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ABSTRACT

The history of school desegregation in Prince George's County from 1953-1973 is documented in this report, presenting a detailed chronology and analysis of the forces and figures that affect realization of children's constitutional rights. Chapters include: an overview of Prince George's County, a racial profile of the schools 1953-64, HEW's involvement 1965-1972, the desegregation issue goes to court, and action/reaction following the approved desegregation plan and its future implementation. Although the court ordered desegregation plan requires busing for only 13,000 more students than in the previous year, it is met with intense outcries by citizens who charge the court with unreasonably and arbitrary actions that allow no time for adjustment. Yet the historical review indicates that far from being inflexible, the court is ending the dilatory tactics that has characterized county response to the original Brown decision. The Board of Education is also found guilty of using its power and authority to maintain and expand a segregated system of education. Failures in the Department of HEW and its Civil Rights office to enforce the law are noted. The setbacks occasioned by these agencies can be set aside in considering the strengths of individuals and diverse groups as they respond to the overall community needs. The resources of the people themselves are seen as the triumph that this county experiences. (Author/AM)

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A Long Day's Journey into Light

School Desegregation in Prince George's County

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- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution;
- Appraise Federal laws and policies with respect to equal protection of the laws;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws; and
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The report was prepared under the overall supervision of John Hope III, Assistant Staff Director, Office of Program and Policy Review.

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INTRODUCTION

On the morning of May 17, 1954, the children of Prince George's County, Maryland, were returning to school following a weekend. For these children and others living in the 17 Southern and Border States, the national ritual of going to public school was complicated by another ritual--government-imposed racial segregation.

Pursuant to Maryland State law, the Prince George's County public schools operated two education systems, one for white children and the other for black children.[1] Except for the fact that both systems were the public responsibility of one predominantly white board of education, and were overseen by one white superintendent of schools, the two systems were independent, self-contained, and racially homogeneous.[2] Black students walked or rode the bus with other black students to schools where they were taught by black teachers who were supervised by black administrators.[3] White students walked or rode the buses with other white students to schools where they were taught by white teachers who were supervised by white administrators.[4] Racial segregation in public education--condemned by its opponents as illegal, immoral, inefficient, and un-American--was so established in Prince George's County, Maryland, that to many people it seemed immutable.[5]

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[1] Md. Ann. Code Gen. Laws Art. 77,§§84, 124, 207-09.269 (1951 ed.).

[2] Jesse Warr, Vice Chairman, Prince George's County (PGC) Board of Education, staff interview, June 1973. See also, Maryland Board of Education, "Statement regarding the Supreme Court Decision of May 17, 1954," May 26, 1954, p. 1; and PGC Superintendent of Schools, Office Bulletin No. 20 to All School Personnel Concerning United States Supreme Court Decision on Segregation, May 28, 1954, p. 1.

[3] Some white administrators had supervisory responsibility over black educators--staff interview, June 1973.

Before school was dismissed on May 17, however, the Supreme Court of the United States had declared unanimously in the case of Brown v. Board of Education[6] that State-sanctioned racial segregation in public education was unconstitutional. Nevertheless, the ritual of operating separate schools for black and white students continued to be observed throughout most of the 17 Southern and Border States long after the Brown decree.[7]

In the years after Brown, few features of life in Prince George's County remained fixed. Population growth transformed the county's economy and manner of living. Sprawling shopping centers and numerous bedroom communities, many residents of which serve the Federal Government in Washington, sprang up overnight, displacing tobacco farms and largely dispelling the rural Southern atmosphere in certain sections of the county.[8] Just as large housing complexes changed county demography, so too did the dynamic swirl of change and development affect the county's public education system. As the adult population increased and grew more youthful, the county's student enrollment increased, schools multiplied, and their size expanded.[9]

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[4] Warr interview.

[5] Staff interviews, June, July, and August 1973.

[6] Brown v. Board of Education, 347 U.S. 483 (1954).

[7] The number of blacks attending public schools with whites in the 11 Southern States nearly doubled in fall 1964, increasing desegregation in those States to include 2 percent of the area's total blacks. For the 17 Southern and Border States desegregation increased to 10.7 percent in fall 1964. See "Negroes Double Enrollment With Whites," Southern School News, vol. 11, No. 6 (December 1964), p. 1. The statutory or constitutional provisions requiring segregation in the 17 Southern and Border States were: Alabama: Ala. Const. Art. XIV, sec 256; Arkansas: Ark. Stat. Ann. sec. 80-509 (1947); Delaware: Del. Const. Art. X, sec. 2; Florida: Fla. Stat. Ann. sec. (cont.)

By 1972, the county's rapid growth had resulted in development of the 9th largest school system in the Nation.[10] Despite continuing and pervasive change experienced both in the county and in the schools, however, a majority of the county's

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(7 cont.)

228.09; Georgia: Ga. Const. Art. VIII, sec. 2-6401; Kentucky: Ky. Rev. Stat. sec. 158.020 (1953); Louisiana: La. Const. Art. XII, sec. 1; Maryland: Md. Ann. Code. Art. 77, secs., 130, 218; Mississippi: Miss. Const. Art. VIII, sec. 207; Missouri: Mo. Const. Art. IX, sec. 1 (a); North Carolina: N.C. Const. Art. IX, sec. 2; Oklahoma: Okla. Const. Art. XIII, sec. 3; South Carolina: S.C. Const. Art. IX, sec. 7; Tennessee: Tenn. Code Ann. sec. 49-1005; Texas: Tex. Const. Art. VII, sec. 7; Virginia: Va. Const. sec. 140; West Virginia: W. Va. Const. Art. XII, sec. 8. For further discussion, see Report of the United States Commission on Civil Rights, 1959, pp. 158-165.

8. Staff interview, June 1973.

9. Washington Center for Metropolitan Studies, "Population Factors Influencing Growth in Prince George's County" (report prepared for PGC government, July 1973), pp. 2-3.

10. U.S., Department of Health, Education, and Welfare, "Fall 1972 and Fall 1973 Elementary and Secondary School Survey-- Black Pupils in 95 of the 100 largest (1972) School Districts," p. 8. Prince George's County is now the 11th largest school district.(cont.)

students continued to learn their "three R's" and the lessons of citizenship in racially segregated schools throughout the decades of the 1950's and 1960's and into the 1970's.[11] Although parts of Prince George's County are located less than 5 miles from the Supreme Court of the United States where the Brown case was argued and decided, school officials clung to the outlawed practice of racial segregation.

On March 29, 1972, Sylvester Vaughns and seven other black parents filed suit in the U.S. District Court for Maryland against the Prince George's County Board of Education, claiming that county schools were unconstitutionally segregated.[12] After examining the facts, the court upheld the plaintiffs' claim and ordered the board of education to prepare and implement a desegregation plan by the beginning of the second semester of the 1972-73 school term. Vaughns v. Board of Education of Prince

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(10 cont.)

See: "A New Quality in Education," Education Quarterly (Upper Marlboro, Md., 1976), p. 1.

[11] See: Report of the United States Commission on Civil Rights, 1959, pp. 188-91; "Negroes Double Enrollment with Whites," Southern School News, vol. 11, No. 6 (December 1964), p. 1; and U.S., Department of Health, Education, and Welfare, Directory of Public Elementary and Secondary Schools in Selected School Districts: Enrollment and Staff by Racial/Ethnic Group (Fall 1970), p. 588.

[12] Complaint for Plaintiffs at 2.

George's County[13] was similar to other Southern and Border State school desegregation cases.[14] So similar was it to other systems' desegregation cases, it is best characterized as "routine." The United States Court of Appeals for the Fourth Circuit on January 22, 1973, affirmed the district court's order and denied defendant school board's application for a stay of the order. The district court's decision, nevertheless, precipitated a storm of protest and became a focal point of an ominous national controversy.[15]

The controversy seemed to reach its peak following the Vaughns decision; the decade of the seventies is seeing a strong attack on alleged government encroachment and claimed unreasonableness and inflexibility as courts and administrative agencies have sought to secure constitutional and statutory

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13. 355 F. Supp. 1034 (D. Md. 1972), 355 F. Supp. 1038 (D. Md. 1972), rem'd. 468 F.2d 894 (4th Cir. 1972), cert. denied, sub nom. Eller v. Board of Education of Prince George's County, 410 U.S. 910 (1973); 355 F. Supp. 1044 (D. Md. 1972); 355 F. Supp. 1051 (D. Md. 1972).

14. See e.g. Swann v. Charlotte-Mecklenburg, 402 U.S. 1 (1971); Northcross v. Board of Education, 466 F. 2d 890 (6th Cir. 1972); Stanley v. Darlington County School District, 424 F. 2d. 195 (4th Cir. 1970). Alexander v. Holmes County Board of Education, 369 U.S. 19 (1969); Carter v. West Feliciana Parish School Board, 396 U.S. 226 (1969); Nesbit v. Statesville Board of Education, 418 F. 2d 1040 (4th Cir. 1969). See also Clark v. Board of Education of Little Rock School District, 449 F.2d 493, 498-499 (8th Cir. 1971).

15. Vaughns v. Board of Education of Prince George's County, 355 F. Supp. 1034 (1972), aff'd, Application for Stay denied, No. 73-1023 (4th Cir. 1973).

rights of our Nation's children. Strident assertions of Federal rigidity, coupled with cries against "busing" and for the "neighborhood school," have helped to precipitate disquieting wrangling across the country. The heated reactions have reverberated into State and Federal legislatures, where antibusing and antidesegregation measures have been introduced and from time to time enacted.[16]

Yet, the sudden yearning for the "neighborhood school" seems artificial, if not hypocritical. Black parents in Prince George's County remember their attempts to have their children attend schools close to home. Those same parents remember even more vividly the out-of-hand rejection of their requests by the Prince George's County school board. Those schools--now called "neighborhood" schools--were built for and attended by white students. Desegregation could have proceeded apace had the board granted the requests of those black parents that their children attend neighborhood schools. Now, the virtues of the neighborhood school are touted, since segregated schools would often result from such attendance.

Desegregation of Prince George's County was routine when compared with similar school districts, such as those reviewed in

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16. S. J. Res. 137, 94th Cong. 1st Sess. (1975), S.J. Res. 29, 94th Cong., 1st Sess. (1975), S.J. Res. 40, 95th Cong., 1st Sess. (1975), Equal Educational Opportunities Act of 1974, 20 U.S.C. 1701, P.L. 93-380, sec. 202, 88 Stat. 514 (1974), Education Amendments of 1972, 20 U.S.C. 1651, P.L. 92-318, secs. 801-806, 86 Stat. 371 (1972).

other publications by the U.S. Commission on Civil Rights (*Five Communities: Their Search for Equal Education*; *The Diminishing Barrier: A Report on School Desegregation in Nine Communities*; and *School Desegregation in Ten Communities*). Nevertheless, the initial clamor of Prince George's County citizens helped to sustain the national controversy. Uproar in the county began to subside as citizens prepared to comply with the desegregation order that was to transport 33,000 of the system's 162,000 students, 13,000 more students than had been bused previously.[17]

In Prince George's County it is now "school as usual." The national controversy about busing and court-ordered desegregation, however, continues to generate confusion and misunderstanding about the role of government and law in a free and democratic society. For this reason, and because of the fervent, original opposition in Prince George's County, as well as because of the school system's size and its proximity to the Nation's Capital and leaders, the Commission embarked upon an indepth examination of school desegregation in Prince George's County. In so doing, the Commission determined that, unlike responsibility under the Civil Rights Act of 1964 to set a viable desegregation policy for statewide implementation;[18] that it was unwilling to take action to resolve a complaint against the Prince George's County Board of Education brought by a black parent who wished his child to exercise constitutionally guaranteed rights;[19] that it failed to hold timely hearings on challenges to the continued operation of a dual school system at the staff and pupil level; and that, after the hearing, it refused to respond to the specific issues raised.[20]

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[17] U.S., Department of Health, Education, and Welfare, "Fall 1972 and Fall 1973 Elementary and Secondary School Survey-- Black Pupils in 95 of the 100 Largest (1972 School Districts," p. 8 shows that 161,969 students attended the Prince George's County schools in 1972. See Vaughns v. Board of Education of Prince George's County, 355 F. Supp. 1051, 1056-57, which shows 32,823 students were to be transferred under the staff plan adopted and that 12,290 students became newly eligible for transportation. (Figures rounded.)

The reader will also find that the Prince George's County Board of Education followed a freedom of choice policy for students until the 1965-66 school year which was completely ineffective in eradicating the dual school system.[21] Moreover, the report documents that the school system continued to maintain largely segregated faculties and staff and segregated transportation; that desegegregation, to the extent choices were exercised, was one-way only; and that black schools and additions to all-black schools continued to be built and operated.[22]

The facts show that during 1965-72 the county school board, ostensibly in the process of desegregating, continued to operate all-black schools[23] and to increase appreciably the number of majority-black and majority-white schools.[24] For example, in the 1965-66 school year, 10 schools were all black, 9 were majority black, and 112 schools were 95 percent or more white.[25] More than 51 percent of the black children in the county attended all-black or majority-black schools in that year.[26]

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[18] See discussion in chap. 3.

[19] See discussion in chap. 2.

[20] See pp. 125-36.

[21] See chap. 2. pp.

[22] Ibid.

In the 1971-72 school year, the board operated one all-black school, 39 majority-black schools, and 84 schools 95 percent or more white. Of the black student population, 58 percent attended that black or majority-black schools--7 percent more than in the 1965-66 school year.[27] Additions to all-black schools were opened[28] during the period; all-white schools were opened too.[29] The Board also failed to correct school capacity imbalances where correction could have increased desegregation.[30]

School transportation routes forced black children to ride across heavily traveled highways, passing several closer, other studies, it should not be limited to the time immediately preceding and following the court's desegregation order; instead, this report covers school desegregation from 1953 to 1973.

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[23] See pp. 169-71, 190, 197, 199, 234, 246, 279.

[24] Ibid.

[25] See p. 170.

[26] Ibid.

[27] See p. 279.

[28] See pp. 143-44, 169 ff.

[29] See pp. 171-76.

[30] Ibid.

The Prince George's County report was conceived, begun, and nearly completed some months prior to the Commission's decision in the fall of 1975 to undertake a national examination of school desegregation. In embarking on this task, the Commission intends to present factual information on school desegregation as well as its own views on this issue to the American public. The future of school desegregation--and other facets of civil rights progress--may very well be at stake. It is the Commission's belief that the dissemination of information designed to aid the American public in gaining an informed perspective will strengthen the protection of statutory and constitutional rights. Despite its earlier conception, the Prince George's County report provides an effective complement to the Commission's new indepth appraisal of desegregation and its processes. The document presents a detailed chronology and analysis of the forces and figures that have affected realization of children's constitutional rights.

Recognizing the influence of an area's demography on its schools, the Commission contracted with the Washington Center for Metropolitan Studies, a private research organization, for a basic demographic history of the county for the relevant years. This history, supplemented by the Commission's own research, presents a picture of dynamic change in the number, racial composition, level of income, and lifestyles of the people of Prince George's County.

The Commission utilized a wide variety of documentary data in reconstructing the desegregation history of the Prince George's County public schools. Project staff collected and studied thousands of pages of school system records. The records compiled in the several administrative and legal proceedings against the school district were also studied, as were metropolitan and county newspapers.

Commission staff also did hundreds of interviews with students, parents, teachers, school administrators and board members, local civic leaders, and State, county, and Federal officials. While the individuals interviewed were generally selected on the basis of their knowledge of a particular aspect of school operations or school desegregation, project staff also selected individuals who had made strong public pronouncements, affirmative and negative, on school desegregation and busing.

The following report is not meant to be a comprehensive history of the Prince George's County public school system for the 1953-73 period. Facts not relevant to the subject of desegregation have generally been omitted. Nevertheless, this report does not lend itself to summary statement if the long and tortuous history of school desegregation in Prince George's County is to be appropriately noted.

In the ensuing pages, the reader will learn that the State board of education consistently failed to exercise its predominantly white schools.[31] A school where desegregation was delayed served four noncontiguous areas, one of which was across a heavily traveled roadway.[32] All of the children attending this school lived closer to several majority-white schools.[33] Many boundary lines were shifted with the result that schools reversed completely from majority white to majority black.[34]

Although the school system was asked by the Office for Civil Rights of the Department of Health, Education, and Welfare[35] to submit a terminal desegregation plan to be implemented in the 1968-69 school year, the school system failed to do so.[36] It did not submit a plan acceptable to HEW until well into the first semester of the 1969-70 school year,[37] and the plan submitted was not to be implemented until the 1970-71 school year--2 years later than originally requested.[38]

The desegregation plan implemented in 1970-71, an interim one at best, actually was a failure, despite its limited objective of desegregating a black junior high and a black senior high school.[39] Students had been permitted to transfer indiscriminately to such an extent that the schools shifted only from all black to majority black, retaining their racial identity.[40]

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[31] See pp. 177-78.

[32] See p. 187.

[33] Ibid.

[34] See pp. 195-87, 198.

[35] See pp. 202-03, 208-09.

[36] See pp. 210 and 218.

[37] See p. 243.

[38] Ibid.

Despite the continuing segregation of students, the fact that over half of the county's black students were enrolled in schools which were majority black, and that over half of the white students in the county were enrolled in schools which were at least 95 percent white, the Office for Civil Rights (OCR) of the Department of Health, Education, and Welfare expressed concern only about transfers and the lack of faculty desegregation.[41] OCR had permitted the question of desegregation in the Prince George's County school system to fester since 1965.[42]

After 6 years of negotiations at every level of the OCR hierarchy, OCR was still not prepared to invoke its only sanction, an administrative enforcement proceeding leading to termination of Federal financial assistance.[43] This posture of the Office for Civil Rights continued even though the agency received reinforcement from the Federal courts in Singleton[44]

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[39] See pp. 258-61.

[40] See pp. 261-65.

[41] See pp. 263-64, 266-68.

[42] See chapter 3 generally.

[43] Ibid.

[44] Singleton v. Jackson Municipal Separate School District, 419 F.2d 1211 (5th Cir., 1970).

(faculty desegregation), Green[45] (devise a plan promising to work now), Alexander[46] (desegregate now and litigate later), and Swann[47] (busing is one viable remedy by which to secure desegregation).

The Office for Civil Rights, often criticized for its alleged abuse of power, waited until July 28, 1971, to tell the Prince George's County Board of Education that it was not in compliance with the Civil Rights Act of 1964. Even then, it granted an additional opportunity for the school system to comply voluntarily--an opportunity which the school system rejected.[48] Finally, on August 20, 1971, the Prince George's County file was referred to the Office of General Counsel for the initiation of administrative enforcement proceedings.[49]

After numerous delays, the compliance hearing was commenced on January 26, 1972.[50] Interest in the proceeding was muted because time had finally run out for the system. Black parents, dismayed by delay and denials of constitutional rights, filed

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45. Green v. County School Board of New Kent County, 391 U.S. 430 (1968).

46. Alexander v. Holmes, 396 U.S. 19 (1969).

47. Swann v. Charlotte-Mecklenburg, 402 U.S. 1 (1971).

48. See p. 275.

49. Ibid.

50. See p. 278.

suit on March 29, 1972, in Federal district court to secure equal educational opportunity.[51]

For this study the Commission has had to sift objective facts from subjective interpretations and to balance conflicting statements and beliefs. This the Commission has done to highlight the legal requirement that government officials shall operate public schools in accordance with equal protection of the laws guaranteed by the 14th amendment and the fact that thousands of county school students were deprived of their constitutional rights in the 19 intervening years since Brown. These rights have been largely ignored or obscured by controversy.

In preparing this report, Commission staff relied heavily on the people and school personnel of Prince George's County, without whose cooperation, interest, and information there would be no report.

The Commission's interest in the school desegregation experience of Prince George's County will not end with this report. Insights gained from this study will serve as a foundation for a detailed followup examination that will be started early in 1977. The complex interaction of students, teachers, administrators, parents, and community leaders reflected herein also will be drawn upon in the Commission's current reappraisal of school desegregation throughout the Nation.

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[51] Ibid. 38

SCHOOL DESEGREGATION IN PRINCE GEORGE'S COUNTY
KEY DATES, 1954-65

May 17, 1954	The Supreme Court of the United States decides Brown v. Board of Education (Brown I), 347 U.S. 483, 495 (1954), holding State-sanctioned segregation of public education is constitutionally impermissible.
May 28, 1954	Prince George's County school superintendent notifies school system that he expects to operate schools on the same basis as in previous years. (Office Bulletin #20.)
June 1, 1954	Superintendent's decision to maintain school system without applying Brown is adopted by school board.
May 31, 1955	Brown v. Board of Education (Brown II) 349 U.S. 294, 300 (1955) decision of the Supreme Court holds that school districts are required to begin desegregating promptly will "all deliberate speed." The Court also warns that should additional time be required, the school systems have the burden of showing such necessity "consistent with good-faith compliance at the earliest practicable date."
Aug. 9, 1955	The Prince George's County board issues a policy under which students will attend schools and take transportation as they had done in 1953 and 1954 except that parents may apply for their children's transfer to a school closer to their home. Granting of the transfer is at the board's discretion.

Apr. 10, 1956	The Prince George's County Board of Education adopts a freedom of choice policy, provisions of which include: (1) Individual choice in enrollment subject to availability of building facilities and transportation services, with final approval left to the board of education. (2) According to administrative feasibility, each student may attend the nearest school, attend the present school, or request transfer to another school. (3) The school board retains the right to delay or deny the admission of any student to any school if it deems such action wise, necessary, and in the best interest of public safety and community welfare.
May 14, 1957	The Prince George's County Board of Education adopts virtually the same transfer policy for school year 1958-59 as that in effect the previous school year.
Apr. 14, 1959	The Prince George's County Board of Education adopts a desegregation policy for the 1959-60 year identical to the one adopted the previous school year.
May 1, 1960	The Prince George's County Board of Education reenacts the previous year's desegregation policy for the 1960-61 school year, with a slight modification of the student transfer procedure.
June 15, 1961	The Prince George's County Board of Education approves attendance of the ninth grade Lakeland School pupils at all-black Fairmont Heights Junior-Senior

	High School during the 1961-62 school year. Upon the opening of the Mary McCloud Bethune Junior High School in the Fairmont Heights area in September 1962, all Lakeland Junior High School students will move into the new junior high school. (Lakeland was an all-black school.)
July 7, 1961	Mr. Dervey Lomax is notified that he lives in an area served by Lakeland Elementary School and that his request for admission of his son to Seat Pleasant Elementary School is denied.
Aug. 16, 1961	The NAACP, on behalf of the Lomaxes, requests a hearing before the State board of education.
Oct. 10, 1961	Without a finding by the State board of Education, the Lomax hearing ends when the school board permits the Lomax child to attend College Park Elementary School.
Jan. 9, 1962	The "Committee to Review Progress of Desegregation" (appointed by Superintendent Schmidt in May 1961) recommends that the following actions be taken: (1) A professional employee be appointed to carry out statistical studies on the effect of "forced integration." (2) Consideration be given to abolishing the set of attendance area maps applicable to Negro schools, since the mere existence of two sets of maps is considered by some lay people to be discriminatory. (3) The resulting statistical studies be made available to a biracial committee.

Feb. 13, 1962

The Prince George's County Board of Education issues a more elaborate desegregation policy statement that reaffirms the "freedom of choice" concept already in force.

Apr. 3, 1963

The State board of education issues a statement of its findings concerning complaints of racial discrimination leveled over a 1-year period by a county education committee against the board of education and the superintendent. In finding for the county authorities, the State board indicates that the county superintendent should provide a clear public statement outlining procedures in effect to implement the county's desegregation policies during the "transition" period. The board states that, by definition, "transition" is a temporary state and that transitional practices should be ended at the earliest practicable date.

Aug. 13, 1963

At the request of the superintendent, a special staff group meets and proposes alternatives to the desegregation policy adopted in February 1962:

(1) Redistricting the entire county based upon available school facilities. The "committee rejected the geographical basis as it would disrupt too many communities and schools which would probably not be affected by the issue of desegregation."

(2) Establishing an integrated system based on quotas.

(3) Implementing a "forced integration" program based upon:

(a) Building program

(b) Revised bus routes

(c) "Forced integration" on a grade-wide basis.

(4) Establishing integration deadlines for specific or individual schools.

(5) Establishing a more permanent committee to study problems of desegregation to see that the board's policies are carried out.

Aug. 23, 1963

The Prince George's County Board of Education issues its desegregation policy reaffirming freedom of choice, ignoring the recommendations made by the staff committee invited to meet at the superintendent's invitation.

May 26, 1964

The Prince George's County Board of Education adopts the superintendent's "Suggested Next Steps in Desegregation Program." These steps provide for the elimination of some instances of cross-county transportation of black students to all-black schools. In turn, these black students are reassigned to area schools. The following areas are affected:

(1) Laurel

(a) Close all-black Laurel Grove Elementary School

(b) Withdraw transportation for black students from Laurel to Mary Bethune Junior High (1964) and Fairmont Heights Senior High (1965)

(2) Lakeland

(a) Withdraw transportation to Lakeland from Takoma Park (1964) and from Muirkirk, Beltsville, and Cherry Hill (1965)

(b) Withdraw transportation to Mary Bethune Junior High from Lakeland Elementary (1964)

(3) Bowie and Lincoln Areas

Study the feasibility of withdrawing transportation to Mary Bethune Junior High and Fairmont Heights Senior High upon the opening of Goddard Junior High and Bowie Senior High.

(4) Accokeek

Withdraw transportation to Clinton Grove Elementary (1965) and Douglass Junior Hign (1965).

(5) Oxon Hill

(a) Withdraw transportation to Mary Bethune Junior High from Sojourner Truth Elementary graduates (1964)

(b) Withdraw transportation to Fairmont Heights Senior High (1965)

Nov. 12, 1964 The superintendent requests the State superintendent of schools to provide "permission for building facilities to schools in which only Negro pupils are enrolled." These schools are Fairmont Heights Elementary, Glenarden Woods Elementary, and Highland Park Elementary. The memorandum of request indicates that since 1955 the county had built six schools that "could be classed as Negro schools, even though some white pupils may be attending them." These schools and their dates of construction are:

Beaver Heights Elementary, 1955
Mary Bethune Junior High, 1960
Glenarden Woods Elementary, 1960
Douglass Junior-Senior High, 1958
Orme Elementary, 1956
Tall Oaks Elementary, 1956

June 22, 1965

Board of education adopts a desegregation plan which it desecribes as "a unitary educational system of school attendance areas which shall be operated without regard to race, color, religion, or national origin." (Prince George's County Plan for Desegregation, adopted June 22, 1965.)

SCHOOL DESEGREGATION IN PRINCE GEORGE'S COUNTY
KEY DATES 1965-72

May 11, 1965	The county board of education authorizes and directs Superintendent Schmidt to prepare a plan by June 15, 1965, and to present that plan to the U.S. Office of Education, HEW, to meet the requirements of the "General Statement of Policies of Title VI of the Civil Rights Act of 1964" with reference to the desegregation of elementary and secondary schools.
June 8, 1965	Superintendent Schmidt presents to the board of education "Proposed Plans to Further Desegregation for the School Year 1965-66." According to Superintendent Schmidt, these proposals "retain the basic principle of the Board's stated policy, namely, freedom of choice," but "consistent with the Board practice over the past several years," provide for "the application of the neighborhood school concept or the theory of school districting. This latter proposal, therefore, commits the Board to a policy of freedom of choice with annual approaches to school districting as new school units are constructed." These black schools in question were: Beaver Heights, Brooks Road, Clinton Grove, Douglass Elementary, Fairmont Heights Elementary, Highland Park, Holly Grove, Lakeland, Lincoln, North Brentwood, Orme, Ridgley Center, Sojourner Truth, Tall Oaks, Mary Bethune Junior High School, Fairmont Heights Junior-Senior High School, and Douglass Junior-Senior High School.
June 22, 1965	The board of education approves and sends to HEW a desegregation plan establishing an attendance area for each school unit. At the close of the 1964-65 school year, there were 18 all-black schools in the county. Under the board's plan, six schools (Clinton Grove, Douglass Elementary, Holly Grove, Orme, Tall Oaks, and Douglass Junior-Senior High School) would receive some white students; Sojourner Truth would be closed; Brooks Road and Lincoln would be "desegregated" in 1966 and 1967, respectively; Ridgley Special Education Center would continue to operate until completion of a new facility in the Lanham

	area; and eight schools (Beaver Heights, Fairmont Heights Elementary, Glenarden Woods, Highland Park, Lakeland, North Brentwood, Bethune Junior High School, and Fairmont Heights Senior High School) "would be organized on a unitary area basis" but retain all-black enrollments, with the exception of Highland Park.
Apr. 14, 1966	The county's desegregation plan (of June 28, 1965) is amended by the school district's submission of HEW Form 441-B, a signed assurance of compliance with Title VI of the Civil Rights Act of 1964. The plan was based upon geographic attendance zones.
Apr. 30, 1966	U.S. Office of Education Assistant Commissioner David Seeley informs Superintendent Schmidt that the county's desegregation plan, as amended by execution of Form 441-B, is considered adequate for the 1966-67 school year.
Aug. 11, 1967	Harold B. Williams, Acting Assistant Commissioner of the U.S. Office of Education, informs the county school district that, on the basis of the district's recently submitted reports on the status of desegregation, the district will remain in compliance with the Civil Rights Act of 1964 for the 1967-68 school year. He also indicates OE's willingness to assist the district in dealing with the problem of resegregation in the Fairmont Heights area.
Jan. 30, 1968	Although approving in the spring of 1967 the desegregation progress made by the county, HEW informs the county that it has failed to submit by the start of the 1967-68 school year a plan for the reorganization of all its schools on a nonracial basis. The county is notified of the probable initiation of noncompliance proceedings against it if adequate steps are not taken to achieve compliance for the next school year.
May 27, 1968	In Green v. County School Board of New Kent County, 391 U.S. 430, 439 (1968), the United States Supreme Court holds that the test of any desegregation plan is whether the plan is viable.

July 26, 1968	Following a compliance review of the county school system by an HEW team on July 25, the team notes that the school district still maintains eight all-Negro schools and that current plans call for elimination of only two of those schools. Superintendent Schmidt is informed that HEW policy provides that school systems should be completely desegregated by the beginning of the 1969-70 school year. It, therefore, is the responsibility of the board of education to adopt by Aug. 20, 1968, and to implement a plan to eliminate all vestiges of the dual school system before September 1969.
Aug. 9, 1968	HEW officials inform Superintendent Schmidt that the Department will provide the county technical assistance in the development of a terminal plan. The county is also granted additional time (Dec. 31, 1968) to develop such a plan.
Sept. 17, 1968	Superintendent Schmidt informs the county board of education that the U.S. Office of Education has recommended a desegregation plan providing for the closing of two secondary and two elementary schools; the pairing of one elementary school; and curriculum upgrading and adjustments in racial composition of faculties in four other all-Negro elementary schools.
Nov. 5, 1968	The U.S. Office of Education withdraws its desegregation plan following strong objections registered by citizens at public meetings held on the proposed plan.
Apr. 3, 1969	Another desegregation proposal from HEW (developed by the Office for Civil Rights) is submitted to county school officials for consideration. The proposal provides for closing two Negro schools and continuance of the others. (Part of the Office of the Secretary, HEW, the Office for Civil Rights is responsible for enforcement of Title VI of the Civil Rights Act of 1964.)
June 3, 1969	The county board of education issues a point-by-point response to the desegregation proposal submitted by the Office for Civil Rights. The board concludes its response by

	stating that it has "committed itself to the concept of a unitary school system based on a geographical neighborhood boundary principle for each school." "...However, changing housing patterns are occurring so rapidly that it seems impossible to maintain desegregated schools without resorting to artificial measures which have nothing to do with the educational process or the regard for individual rights or the quality of educational process for children."
July 3, 1969	Superintendent Schmidt notifies HEW of the board's action on the recent desegregation proposals. Among other things, the board agreed to adopt the so-called Harvard Plan for the conversion of Fairmont Heights Senior High School to an urban cooperative high school.
July 29, 1969	The board of education meets with Office for Civil Rights officials to discuss the most recent desegregation proposal submitted by the county.
Aug. 11, 1969	The board of education submits "Preliminary plans for the desegregation of Fairmont Heights Senior High School for the 1970-71 school year." The plan contained the following provisions: (1) In 1969-70, closing the all-Negro Brentwood School and desegregating the all-Negro Lakeland School through realignment of boundaries. (2) In 1969-70, assigning faculty so that the racial composition of professional staff for all schools shall not be identified as tailored for a heavy concentration of Negro or white students. (3) In 1969-70, converting Fairmont Heights Senior High School to a model urban high school open to all secondary students in the school system. (4) In 1970-71, redrawing boundaries for Fairmont Heights Senior High School and Walker Mill Junior High School.

	(5) In 1970-71, reassigning some Mary Bethune Junior High School students to desegregated schools but retaining that facility as an all-Negro school.
Sept. 2, 1969	The Regional Office for Civil Rights indicates that it will recommend acceptance of the desegregation proposals discussed with board members on July 29. The Office registers continuing concern, however, over the lack of assurance concerning the desegregation of Mary Bethune Junior High School and Fairmont Heights Senior High School.
Sept. 11, 1969	Superintendent Schmidt guarantees to regional OCR officials that Fairmont Heights Senior High School will be desegregated "in 1970-71 should the Model Urban School plan fail to accomplish this objective in 1969-70." The superintendent also states that the desegregation of Mary M. Bethune Junior High School "probably cannot be accomplished without the busing of children."
Sept. 25, 1969	The Regional Office for Civil Rights asks Superintendent Schmidt to submit by Nov. 10, 1969, information on the attendance zones for Fairmont Heights Senior High School and the proposal for the desegregation of Mary Bethune Junior High School.
Nov. 7, 1969	The board of education meets with regional OCR officials on a terminal desegregation plan. HEW officials indicate that failure to desegregate Bethune Junior High School, regardless of actions taken related to Fairmont Heights Senior High School, will result in a recommendation that administrative enforcement proceedings be initiated against the county to determine the school district's compliance status. It is reiterated that Nov. 17, 1969, is the deadline for submission of an acceptable plan.
Nov. 11, 1969	Board of Education Attorney Paul Nussbaum advises board members that "Fairmont Heights Senior High School originally built in 1949, ... is in all respects a school that was built as a segregated school in a dual system

	of segregated education. Mary M. Bethune Junior High School, having been built in 1962, was never built as a segregated institution.... The above schools could well serve as model examples of 'de jure' segregation (as to Fairmont Heights Senior High School) and 'de facto' segregation (as to Mary M. Bethune Junior High School)." Attorney Nussbaum further advises the board that its "final decision (whether to submit a desegregation proposal for Mary M. Bethune as well as for Fairmont Heights) should be predicated upon a realistic appraisal of the present situation related to both schools in question rather than the result of outside pressures exerted upon the Board by either HEW or citizen groups representing varying interests."
	The board of education approves tentative plans for the desegregation of Fairmont Heights Senior High School and Mary Bethune Junior High School and forwards copies to the Regional Office for Civil Rights. The projected enrollments for these schools in the 1970-71 school year were: Fairmont Heights Senior High School--537 white; 597 black. Mary Bethune Junior High School--482 white; 425 black.
Nov. 19, 1969	The Regional Office for Civil Rights notifies Superintendent Schmidt that the Director of the Office for Civil Rights has accepted the desegregation plan for Fairmont Heights and Mary Bethune approved on Nov. 11, 1969.
Dec. 1, 1969	In *Singleton* v. *Jackson Municipal School District*, the Fifth Circuit Court of Appeals holds that school districts are required to assign teachers so that the racial ratio of blacks to whites on the staff of each school within a district is substantially the same throughout the district.
Dec. 1, 1969	Superintendent Schmidt requests technical assistance and aid under Title IV of the Civil Rights Act of 1964 to deal with "the tremendous amount of public...[resentment] which is building up in our county regarding

	the Board's plan for the integration of Fairmont Heights Senior High School and Mary Bethune Junior High School."
Mar. 10, 1970	The superintendent's advisory committee issues its report on facilitating a smooth desegregation transition at Fairmont Heights Senior High School and Mary Bethune Junior High School.
July 1, 1970	Carl W. Hassel assumes the superintendency of the Prince George's County school system.
Aug. 26, 1970	The board of education approves an application for Emergency School Aid Act funds. These Federal funds are available to school districts for development of programs that will ease desegregation.
Oct. 13, 1970	Black and white students enrolled at Fairmont Heights Senior High School appear before the board of education to protest the numerous transfers they claim were illegally granted. In response, the board of education places a moratorium on transfers.
Oct. 19-21, 1970	Regional Office for Civil Rights officials visit the schools involved in the recent desegregation plan.
Nov. 5, 1970	The Regional Director of the Office for Civil Rights expresses "extreme concern" to Superintendent Hassel "over the number of transfers granted this school year from the Fairmont Heights Senior High School and the apparent effort of some residents to use these transfers as a mechanism to avoid attendance by their children at Fairmont Heights." "...We expect that you will review all transfers previously granted for this school year in terms of the new policies [to be developed]. Should there be cases which obviously do not meet the criteria or where the facts submitted in the application prove to be untrue, we expect that those transfers will be rescinded and the students immediately reassigned to their original school." The Director requests that the conclusions of the task force studying the transfer situation and statistical information on enrollments and transfers and

	professional staffing patterns be sent to her within 10 days.
Nov. 10, 1970	The transfer committee presents to the board of education a new policy closing the old loopholes and providing a review of all transfers previously granted for the school year. The board votes to close the old loopholes but, by a 5-4 margin, decides not to investigate any of the transfers granted that year.
Nov. 20, 1970	The county school system receives an Emergency School Aid Act grant of $532,709.
Feb. 2, 1971	The Director of the Regional Office for Civil Rights informs the school district that its transfer policy prior to Nov. 10, 1970, and its teacher staffing practices--particularly in regard to Fairmont Heights Senior High School, Kent Junior High School, Mary Bethune Junior High School, Ardmore, Beaver Heights, Carmody Hills, and Seat Pleasant Elementary Schools, which had retained majority-Negro faculties--are not in conformance with Title VI guidelines. The Director states that, "based on the available information, our office cannot certify the compliance status of the Prince George's County Public School System until this issue is fully resolved."
Mar. 17, 1971	The Regional OCR Director informs Superintendent Hassel that the school district's obligations to desegregate its faculty under Title VI of the Civil Rights Act of 1964 are based upon the Singleton decision, and not upon its ESAP assurance. The superintendent is further informed that unless faculty desegregation plans are immediately forthcoming, the school district's files will be sent to Washington with a recommendation that formal enforcement proceedings be initiated.
Mar. 25, 2971	The board of education adopts "plans and procedures, as required under By-law 236 of the Maryland State Board of Education...to ensure a racial balance" of the professional staff. "The plans include increasing the number of minority professional and classified clerical employees and attempting

to achieve a more equitable distribution of all faculty members of all races throughout the system."

April 1971	Responsibility for dealing with school desegregation in Prince George's County is transferred from the Regional Office for Civil Rights to its central office in Washington, D. C.
May 17, 1971	Office for Civil Rights Director J. Stanley Pottinger informs county school officials that the recently decided case of Swann v. Charlotte-Mecklenburg, 402 U.S. 1 (1970), requires the school district to: (1) develop a new desegregation plan for the reassignment of students on a nonracial basis; (2) reassign faculty on a nonracial basis to meet the Singleton requirements; (3) accomplish the above-listed objectives in the 1971-72 school year.
May 20, 1971	The board of education votes down a policy proposal that would have directed the superintendent to develop a "definite plan for implementation of a comprehensive integration of students and schools" by September 1971.
June 4, 1971	HEW hires the Lambda Corporation to do a survey analysis of 29 metropolitan areas, including Prince George's County, showing estimated busing requirements for various levels of desegregation.
July 28, 1971	Office for Civil Rights Director J. Stanley Pottinger informs Superintendent Hassel that he considers the school district to be in noncompliance with Title VI of the Civil Rights Act of 1964. He indicates that the board's action of July 13 did not commit the system to any desegregation action and failed to consider faculty desegregation. Formal enforcement action will be postponed until the board meets again.
Aug. 4, 1971	Superintendent Hassel informs the OCR

	Director that the board of education did not act on desegregation at its July 29 meeting.
Aug. 20, 1971	The OCR Director notifies Superintendent Hassel that the matter of desegregation in Prince George's County has been referred to the Office of General Counsel with a request that administrative enforcement proceedings be initiated.
Aug. 23, 1971	HEW serves the county school district a notice of opportunity for hearing on allegations of noncompliance with Title VI of the Civil Rights Act of 1964.
November 1971	HEW hires the Lambda Corporation to do a detailed study, subsequently entitled "Desegregation Alternatives in Prince George's County."
Dec. 13, 1971	HEW Hearing Examiner Michael Hanrahan holds preliminary hearings in the administrative proceedings between the Department and the board of education.
Jan. 26, 1972	The board of education attorney moves to dismiss HEW's charges of noncompliance at the beginning of the administrative hearings.
Mar. 29, 1972	The parents of eight children attending the county schools file suit against the system, seeking declaratory and injunctive relief to remedy racial discrimination resulting in segregation of children and faculty and racial discrimination in the district's provision of public education. The suit comes to be known as *Vaughns* v. *Prince George's County Board of Education.* 355 F. Supp. 1034 (D. Md., 1972), 355 F. Supp. 1038 (D. Md., 1972), rem'd 468 F. 2d 894 (4th Cir. 1972), *Cert. denied, sub nom Eller v. Board of Education of Prince George's County*, 410 U.S. 910 (1973), 355 F. Supp. 1051 (D. Md., 1972). Plaintiffs were represented by the American Civil Liberties Union and the NAACP.
May 2, 1972	The Lambda Corporation briefs the board of education on the HEW-sponsored study of 29 selected school districts on how best to achieve further desegregation with minimum busing.

May 9, 1972	The board of education resolves to request funds from HEW to have the Lambda Corporation develop a comprehensive plan for desegregation of the county's schools.
June 27, 1972	The Lambda Corporation is hired to draw school boundary plans for the county school system.
July 25, 1972	Judge Kaufman, presiding in the Federal district court in Baltimore, grants the ACLU-NAACP request for a summary judgment in the *Vaughns* case. 355 F. Supp. 1034, 1036 (D. Md., 1972). The judge also orders the board to submit its own plan by August 22 and to cooperate with Lambda Corporation in the submission of an independent plan. 355 F. Supp. 1034, 1037, 1038 (D. Md., 1972).
Aug. 1, 1972	The board of education directs the staff to develop a desegregation plan by August 21.
Aug. 22, 1972	The board attorney presents the plan as developed by the staff in compliance with the Federal court order of July 25. The board attorney files with the Federal court in Baltimore an intent to appeal the order and finding of July 25 holding the board of education in violation of the standards of *Brown* and *Swann*.
Aug. 25-31, 1972	Judge Kaufman holds hearings on remedies for the previously-determined constitutional violations of the Prince George's County

	school district. 355 F. Supp. 1038, 1039 (D. Md., 1972).
Aug. 31, 1972	Judge Kaufman orders the board of education to present an overall plan to the Federal district court in Baltimore on or before December 4, with hearings to be held December 11. Elementary and junior high schools are ordered to be desegregated under such a plan by Jan. 29, 1973, and senior high schools by September 1973. 355 F. Supp. 1038, 1042, 1043, (D. Md., 1972).
Sept. 5, 1972	Hearing Examiner Hanrahan finds the Prince George's County school district in noncompliance with Title VI of the Civil Rights Act of 1964.

Chapter 1

PRINCE GEORGE'S COUNTY: AN OVERVIEW

One of the most rapidly growing suburban counties in the Nation in the 1960's, Prince George's County, Maryland, is larger in population than any other suburban jurisdiction of the Nation's Capital.[1] With 660,000 people out of a metropolitan area total of nearly 3 million, the county was exceeded in population in the area only by the District of Columbia, which had a nearly stable population of 756,000.[2]

Prince George's County, with 92,000 blacks in 1970, also has the largest black population of the Washington suburbs. In 1970, 55 percent of all suburban blacks were residents of Prince George's, which was 14 percent black. The next largest, suburban population of blacks--22,000--lived in adjoining Montgomery

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[1] Washington Center for Metropolitan Studies, "Population Factors Influencing Growth in Prince George's County" (prepared for Prince George's County Consortium, July 1973), p.5. (Hereafter cited as "Population Factors.") In 1970, in addition to the District of Columbia, the Washington metropolitan area was comprised of Prince George's and Montgomery Counties in Maryland and Arlington, Fairfax, Loudon, and Prince William Counties as well as the independent cities of Alexandria, Fairfax, and Falls Church in Virginia. U.S., Department of Commerce, Bureau of the Census, Census Tracts-Washington, D.C.-Md.-Va. SMSA, 1970 Census of Population and Housing, pp. VII-XII. In 1973, Charles County, Maryland, was added to the metropolitan area, but all area-wide statistics in this report are for the area as defined in 1970. "Population Factors," p.5.

[2] U.S., Department of Commerce, Bureau of the Census, General Characteristics of the Population, Washington, D.C.-Md.-Va. SMSA, 1970 Census of Population, table P-1, p.1.

County, Maryland.[3]

Located to the north and east of the Nation's Capital, Prince George's encompasses the main highway and rail routes to Baltimore and the Northeast. (See map 1.) The county has 28 incorporated townships, most concentrated in the northwest section along U.S. 1, with a few at the eastern apex of the District of Columbia. (See map 2.) The county seat is at Upper Marlboro.

HISTORICAL DEVELOPMENT

Founded in 1634, Maryland was one of the first colonies in America. Prince George's County, which was established in 1695, started out as a rich tobacco-growing, slave-holding area.[4] George Alsop, an indentured servant, noted in 1666 that the three main commodities in the area were "tobacco, furs and flesh."[5] Upper Marlboro became a "gay social center for a distinctive, aristocratic class, comparatively large, wealthy and well-educated. Their fortunes rested for the most part in lands and slaves and the profits from production of tobacco."[6]

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[3] Ibid.

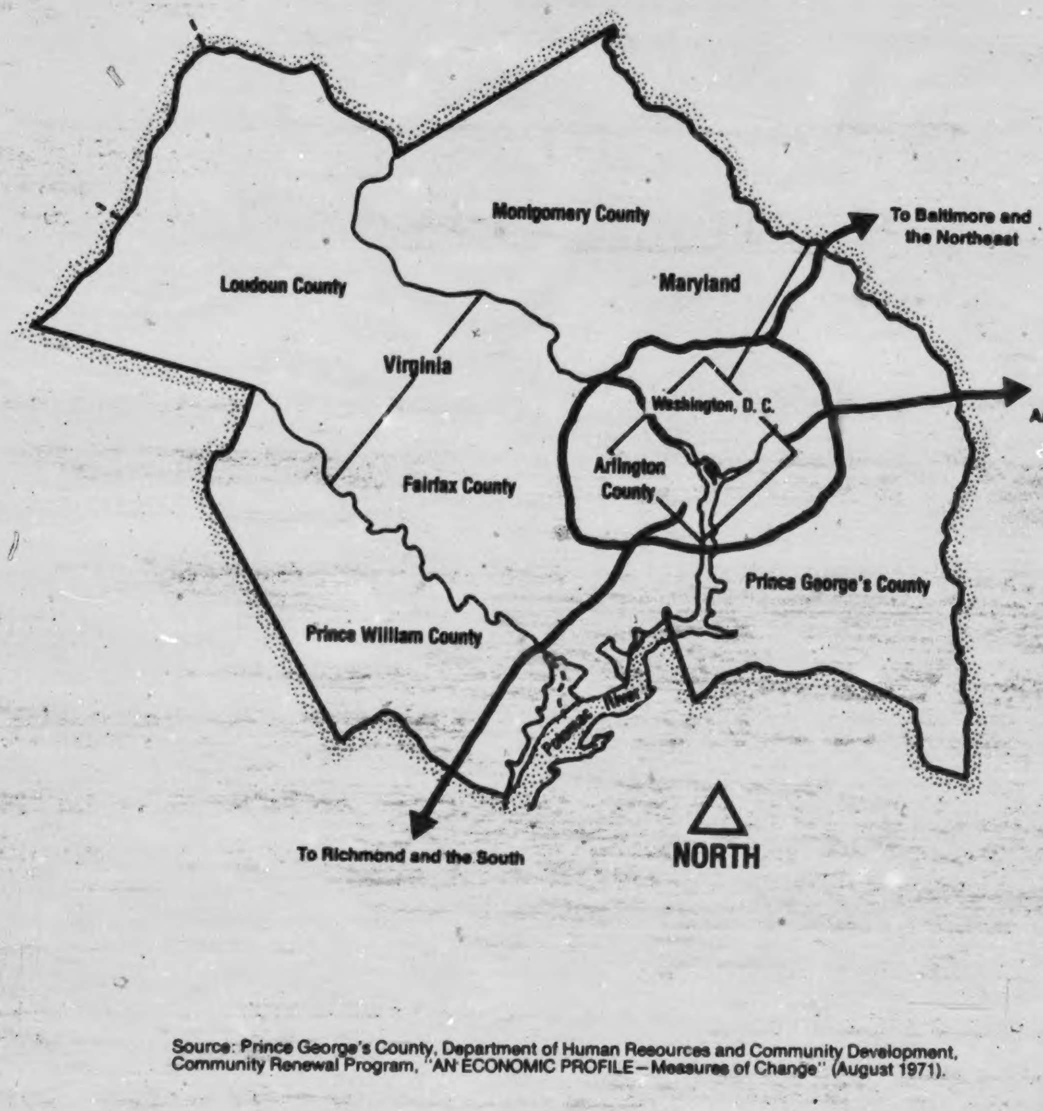
[4] Prince George's County, Community Renewal Program, County in Transition--Preliminary Report No. 1 (May 1970), p.23. (Hereafter cited as County in Transition.)

[5] Daniel M. Greene, A Brief History of Prince George's County in the Perspective of Three Centuries (Avondale, Md.: 1946), pp. 9-10.

[6] Prince George's County Historical Society, "The Birth of Our County" (1962), p. 3.

Map 1

WASHINGTON METROPOLITAN AREA, 1970

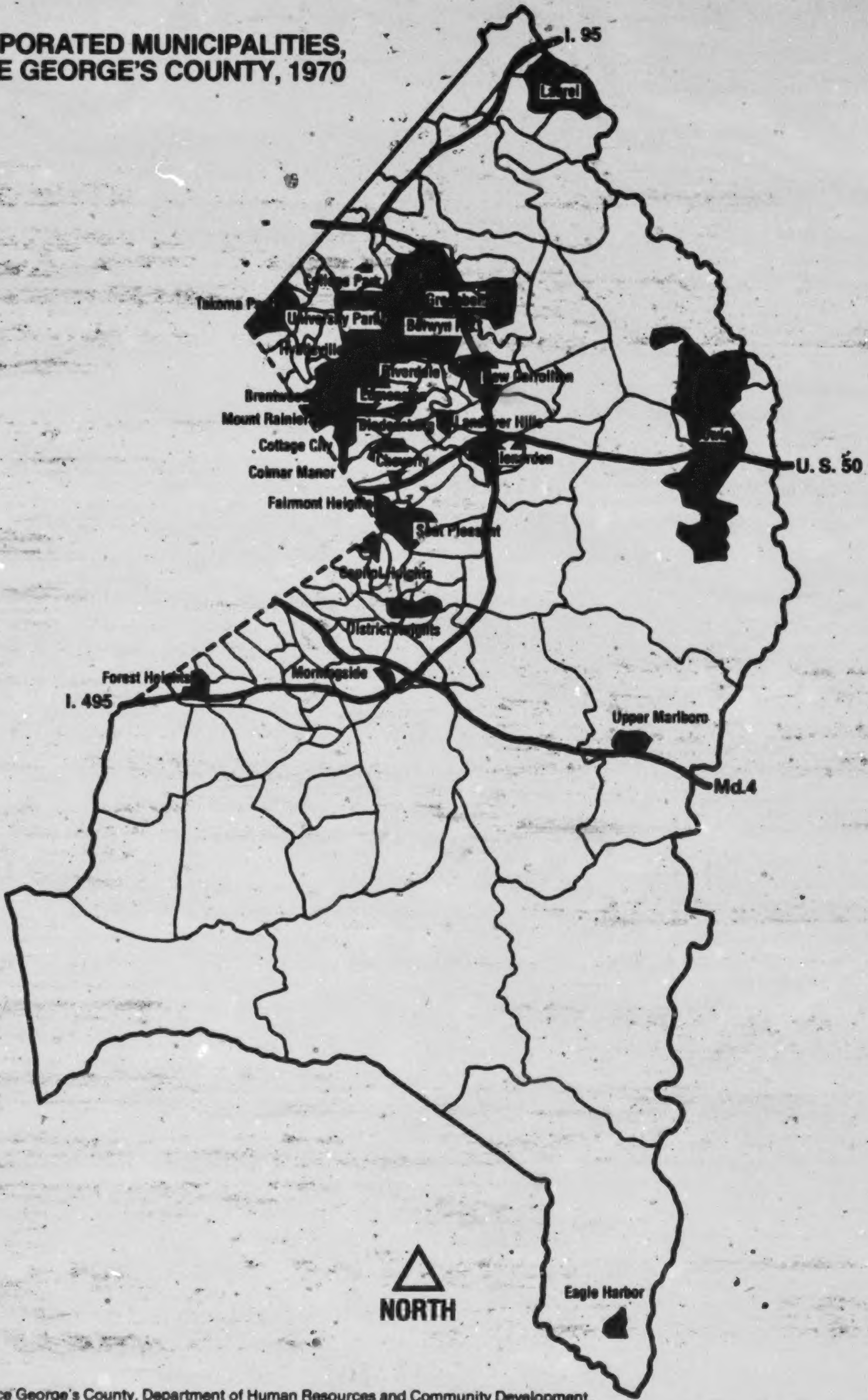


Montgomery County
To Baltimore and the Northeast
Loudoun County
Maryland
Virginia
Washington, D. C.
To Annapolis
Arlington County
Fairfax County
Prince George's County
Prince William County
Potomac River
To Richmond and the South
NORTH

Source: Prince George's County, Department of Human Resources and Community Development, Community Renewal Program, "AN ECONOMIC PROFILE–Measures of Change" (August 1971).

Map 2

INCORPORATED MUNICIPALITIES, PRINCE GEORGE'S COUNTY, 1970


I. 95
Laurel
College Park
Takoma Park
Greenbelt
University Park
Berwyn Heights
Hyattsville
Riverdale
New Carrollton
Brentwood
Edmonston
Mount Rainier
Bladensburg
Landover Hills
Cottage City
Cheverly
Glenarden
Colmar Manor
Bowie
U. S. 50
Fairmont Heights
Seat Pleasant
Capitol Heights
District Heights
Forest Heights
Morningside
I. 495
Upper Marlboro
Md.4
Eagle Harbor
NORTH

Source: Prince George's County, Department of Human Resources and Community Development, Community Renewal Program, "AN ECONOMIC PROFILE – Measures of Change" (August 1971).

Maryland, with 111,502 slaves in 1810 and 87,189 in 1860,[7] was not a large slave-holding State. In 1715, the Maryland Assembly passed a law making all blacks and other slaves "then imported, or thereafter to be imported, and their children, slaves for life...."[8] To ensure State jurisdiction over the issue, the State constitution, written in 1776, required that "every person appointed to an office of profit or trust shall, before he enters on the execution thereof, take an oath that he will be faithful and bear true allegiance to the State of Maryland."[9]

In the 19th century, Maryland became a stronghold of the Know-Nothing movement, which aimed to keep the control of the United States Government in the hands of native citizens. In the first half of the century, the abolitionist movement also gained strength in some areas of the State, which later became divided on the questions of slavery and secession. Maryland in the period just before the Civil War was sympathetic to the South, which shared a similar commitment to slavery.[10] But the secessionist view was counterbalanced by the Federal presence in

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7. Arno Press and The New York Times, Negro Population in the United States, 1790-1915 (1968), table 6, p. 57.

8. Thomas J. Scharf, History of Maryland, vol. III (Tradition Press, 1967), p. 290.

9. Ibid., p. 292.

10. Richard Walsh and William Lloyd Fox, Maryland--A History, 1632-1974 (Baltimore, Md.: Maryland Historical Society, 1974), p. 334.

the State, caused by Maryland's proximity to Washington. The State's ties to both North and South divided it. Even though wishing to retain slavery, Maryland was "devoted to the Union."[11]

A local publication described the reaction of Prince George's citizens to the approaching Civil War:

> Though border-line Maryland residents were divided in their sympathies, records indicate that most Prince George's loyalties were with the Confederacy and several county units fought with the South.... Strategically located, the County became a thoroughfare for Southern agents, and the general attitude might be indicated by the forced suspension of the County seat newspaper, the "Gazette," which was denied use of the U.S. mails because of its Southern leanings.[12]

In 1864, a new State constitution abolishing slavery was presented to Maryland voters. The proposed constitution asserted in Article I that "we hold it to be self-evident that all men are created equally free; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty, the enjoyment of the proceeds of their own labors and the pursuit of happiness."[13] It also differed from the 1776 constitution by declaring "paramount allegiance to be due to the Constitution and Government of the United States."[14]

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[11] Ibid., p. 336.

[12] "A Brief Historie and Related Interesting Facts About Early Prince George's County, Maryland" (Courthouse, Upper Marlboro, Md., April 23, 1967), p. 3.

[13] Scharf, History of Maryland, p. 582.

[14] Ibid.

The new Maryland constitution was narrowly approved, primarily through the soldiers' vote. Prince George's County citizens voted against approving it, 1,293 to 149.[15]

Early in the 20th century, agriculture slowly started giving way to industry and urbanization in the county, and the way of life began to change.[16] As late as 1940, however, much of Prince George's County was still sparsely settled, except for a few communities located largely in the northwest section along the main routes to the north and in the central part of the county adjoining the District of Columbia boundary. Both of these populated areas were served by streetcar lines reaching out from the District of Columbia.[17]

About 80 percent of the population of approximately 90,000 resided in rural parts of the county or outside suburbs of Washington, D.C.[18] Among the landmarks in the county in the 1940's were the University of Maryland in College Park, the U.S. Department of Agriculture's research center at Beltsville, and the town of Greenbelt, part of a New Deal experiment in the development of planned communities for families with low and moderate incomes.[19]

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[15] Ibid., p. 597.

[16] County in Transition, p. 21.

[17] Ibid., p. 29.

[18] Ibid., p. 33.

[19] Ibid., p. 36.

POPULATION BOOM

After the Second World War started, suburbanization of the county increased following an influx of new residents, a boom in residential construction, and new employment opportunities, primarily with the Federal Government.[20] From 1940 to 1950, the population more than doubled from 89,490 to 194,182, and over the next two decades it more than tripled, to 660,567 in 1970.[21]

BLACK POPULATION GROWTH

The county's population was 40 percent black at the turn of the century, but the black proportion steadily declined thereafter, reaching a low of less than 9 percent at the time of the 1960 census. By the Second World War, only 16,000 blacks lived in the county, virtually all in rural areas and many on farms. In the relatively developed parts of the county close to the District of Columbia, there were only a handful of small black enclaves such as Glenarden, first settled by blacks about 1910, and Fairmont Heights, said to be the first area of the county where blacks from the District were permitted to buy homesites in the early 1900's.[22] Both of these communities are located in the central part of the county, which now has a much larger black population.[23]

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[20] Ibid., p. 39.

[21] U.S., Department of Commerce, Bureau of the Census, Characteristics of the Population, Part 20, Maryland, 1950 Census of Population, pp. 20-55; and Characteristics of the Population, Part 22, Maryland, 1970 Census of Population, table 10, pp. 12-18.

The black population grew by 14,000 between 1940 and 1960, and then soared by 61,000 by 1970, tripling from 31,000 to 92,000 in 10 years[24] and comprising 13.9 percent of the population.[25]

ECONOMY AND EMPLOYMENT

The economy of Prince George's County today relies heavily on the government, retail trade, and the service industries. Many residents are employed by Federal agencies in the District of Columbia and in the county. Those located within the county include Andrews Air Force Base (home of the Air Force Systems Command), the U.S. Bureau of the Census, and the National Aeronautics and Space Administration's Goddard Space Flight Center. In 1971, about 34,000 residents, representing 20 percent of the nonfarm labor force of 173,000, were employed by the Federal Government, and another 20,000 worked for the local

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22. Washington Center for Metropolitan Studies, "School Desegregation and Prince George's County" (prepared for U.S. Commission on Civil Rights, August 1973) (hereafter cited as Washington Center Study), part A, p. 7. (Cited from _County in Transition_.)

23. Washington Center Study, p. 7.

24. Ibid.

25. Ibid., p. 6, table 2 (cited from U.S., Department of Commerce, Bureau of the Census, _General Characteristics of the Population_, 1970 Census of Population, vol. II).

government. By far the largest group of residents, 40,000 or 23 percent of the labor force, worked for retail establishments. About 20,000 people worked for service industries, 11,000 were in construction, and 10,000 had manufacturing jobs.[26]

URBANIZATION

The most basic change in the county's demography was urbanization.[27] At the time of the 1950 census, nearly 72 percent of the county's total population lived in urban areas, while 58 percent of the black population lived in rural areas. By 1970, however, the two groups were almost equally urbanized; 92 percent of the whites and 88 percent of the blacks.[28]

The change for both groups was produced by enormous numerical increases in the urban population rather than decreases in the rural population. The number of urban blacks rose from 9,500 in 1950 to more than 80,000 in 1970, while the number of rural blacks declined by less than 2,000, from 13,108 to 11,272.[29]

SIMILARITY BETWEEN WHITES AND BLACKS

In many respects, black residents of Prince George's County are similar to the whites, a dramatic change from the past. The two groups are generally more alike socioeconomically than are blacks and whites in any other major Washington suburb.

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[26] Maryland-National Capital Park and Planning Commission, The Maryland -National Capital Regional Data Book (1972).

[27] Washington Center Study, p. 11.

[28] Ibid., table 3, p. 12. (Cited from U.S., Department of Commerce, Bureau of the Census, 1950, 1960, and 1970 Census of Population, PC(1)-22b and PC(1)-22C.)

[29] Ibid.

Census statistics reveal that today both black and white families in the county tend to be young, firmly rooted in the working or middle class, and upwardly mobile. Whereas a decade or two ago poverty among blacks was prevalent, few blacks or whites are either poor or rich now. Generally speaking, Prince George's County has become the home of persons of modest to reasonably comfortable means, but not to either the affluent or poverty stricken.[30]

With regard to income, black and white residents of the county more closely resemble each other than Prince George's whites resemble whites in neighboring Montgomery County. The median income of black families in Prince George's was $10,622 per year in 1969, compared to the white median of $12,747. The median annual family income of Montgomery County whites, however, was $16,993. The dollar differential between white incomes in the two counties was twice as great as that between black and white incomes in Prince George's.[31]

A dramatic change in black family income occurred during the 1960's. The number of black families with incomes in the $8,000 to $12,000 range grew by more than 350 percent. Those black families with incomes of $12,000 or more per year rose to 40 percent of all black families.[32] Moreover, the proportion of black families with annual incomes under $4,000 declined from 25 to 9 percent.[33] These gains resulted partly from the high proportion of black families with more than one wage earner, and partly from the high proportion of young heads of black families, who are more likely to benefit from the greater opportunities fostered by civil rights legislation than older family heads.[34]

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[30] Ibid., p. 10.

[31] Washington Center Study, p. 11. Special tabulations prepared from Fourth Count Summary Magnetic Tapes, 1970 Census of Population, Bureau of the Census.

At the time of the 1970 census, more than half (54 percent) of the county's black households whose heads were below age 30 already had annual incomes of $10,000 or more.[35] Such young family heads have greater prospects for continued economic advancement than those who are older.

The similarity in black and white incomes is largely owing to

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32. Washington Center Study, p. 24. It is similarly noteworthy that in the 10 years from 1959 to 1969 the number of Prince George's black families with annual incomes of $12,000 or more, in terms of 1969 dollars, increased by 975 percent, or from 769 to 8,267 families. Incomes of blacks and whites rose throughout the metropolitan area, but in no other jurisdiction was the growth nearly as large for either blacks or whites as in Prince George's at the over $12,000 level.

33. Ibid. This 9 percent figure compares with 13 percent in the suburbs as a whole. This was the smallest porportion of low-income black families in any one of the major suburbs, including nearby affluent Montgomery County.

34. Ibid., p. 25.

35. Ibid.

the recent influx of both groups into the county.[36] Newcomers to suburban communities are generally young families with relatively modest current incomes but with aspirations and the potential for upward mobility.[37] As both black and white populations of the county have been growing faster than in other major Washington suburbs, a greater proportion of each group must consist of recent movers.[38]

Both black and white populations contain a high proportion of young people. In 1970, nearly 4 out of every 10 black residents of the county were under 15 years of age, whereas a little over 3 out of every 10 white residents were under 15 years. Only 12 percent of all blacks and 20 percent of all whites were 45 years of age or over. The comparative youth of the black population resulted in a slightly higher percentage of blacks in the school-age population than in the population as a whole.[39]

The proportions of blacks and whites who were married were also closer than in other Washington suburbs--62 percent of the blacks and 65 percent of the whites.[40] In respect to marital status, therefore, the two major racial groups in the county were also alike.

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36. Ibid., p. 11.

37. Ibid.

38. Ibid.

39. Washington Center Study, pp. 13, 15.

40. Ibid., p. 16.

There is also a similarity between the two groups in homeownership. In 1970, 50 percent of both black and white householders owned their own homes, and three out of four of these homes were constructed in 1950 or later.[41] The proportion of recently-built homes occupied by blacks in Prince George's was somewhat higher than for blacks in other Washington suburbs.[42] This is largely owing to the comparative rapidity of development in the county and to the fact that some new subdivisions in the county have been built specifically for sale to blacks.[43] (See table 1.1.)

An enormous improvement has occurred in the quality of black-occupied housing over the past 20 years. For instance, in 1950, 52 percent of all black homes in the county had no piped water supply; in 1970, only 4 percent.[44]

While black homeowners are more likely than whites to own homes at the lower end of the price scale, when younger homeowners are compared, the difference between blacks and whites almost disappears. Among homeowning households with heads under 30 years of age, 14 percent of blacks and less than 16 percent of whites owned properties valued between $15,000 and $24,999 in 1970. On the other hand, among homeowning families with heads

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41. Ibid., p. 27.

42. Ibid., p. 29.

43. Ibid.

44. Ibid., 27.

Table 1.1

HOUSING OCCUPANCY BY RACE AND YEAR BUILT, PRINCE GEORGE'S COUNTY, 1970

Year built	Black-occupied housing	White-occupied housing
1969-March 1970	4.7%	3.5%
1965-68	14.8	16.7
1960-64	24.6	21.7
1950-59	33.5	32.6
1940-49	13.6	14.0
1939 or earlier	8.8	11.5

Source: Special tabulations prepared by Washington Center for Metropolitan Studies from Fourth Count Summary Magnetic Tapes, 1970 Census of Housing.

aged 45 through 64, 42 percent of whites, compared to 28 percent of blacks, owned homes in this price range.[45] This strongly suggests that young black homeowners in the county are more like their young white counterparts than are older blacks and whites who have lived in the county longer.

Thus, in recent years, black and white populations in Prince George's County have grown similar in urbanization, youthfulness, income, upward mobility, marital status, and homeownership. The degree of change among blacks has been so great in these and other characteristics that differences between county whites and blacks have been eliminated or reduced.

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[45] Ibid., p. 30.

RESIDENTIAL SEPARATION

Despite the many socioeconomic similarities between the two groups and the fact that in 1970 one of every seven residents of the county was black, many blacks and whites live in communities separate and distinct from each other. In 1970, for example, well over half of all black residents lived clustered together in block groups[46] that were at least 50 percent black, and 40 percent lived in block groups where 75 percent or more of the residents were black. Less than 1 percent of Prince George's white population resided in these majority-black block groups that year. (See table 1.2.)

Most of the majority-black groups were located in two sections of the county: a central corridor extending from the District of Columbia to the Capital Beltway bordered roughly by Route 50 in the north and Route 4 in the south, and in outlying communities that are still largely rural. (See map 3.) Nearly 38,000 black residents settled in the central corridor area from 1960 to 1970, or more than 60 percent of the total increase of

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[46] A city block is normally a well-defined rectangular piece of land, bound by streets and roads. It may be irregular in shape, however, or bound by railroad tracks, streams, or other features. A block group is a combination of contiguous blocks having a combined average population of about 1,000. Block groups are approximately equal in area (discounting parks, cemeteries, railroad yards, industrial plants, rural areas, etc.) and are subdivisions of census tracts. Block groups are typically defined without regard to the boundaries of political or administrative areas, such as cities, minor civil divisions and congressional districts. U.S. Department of Commerce, Bureau of the Census definition.

Table 1.2

DISTRIBUTION OF BLACK AND WHITE POPULATIONS, BY PERCENTAGE BLACK IN BLOCK GROUP, PRINCE GEORGE'S COUNTY, 1970

Percent black in block group	Percent distribution Black	 White
75-100%	39.6%	0.1%
50-74.9	14.9	0.5
25-49.9	21.8	1.6
10-24.9	12.5	6.4
Less than 10	11.2	91.4

Source: Special tabulations prepared by Washington Center for Metropolitan Studies from Second Count Summary Magnetic Tapes, 1970 Census of Population.

blacks in the county.[47] (See map 4.)

In two areas the percentage of white residents increased as blacks moved out--rural census tracts[48] along the southeastern border of the county and inside the Capital Beltway, north of Route 50.[49]

The question remains: Given the close resemblance between blacks and whites in the county, how have they come to be concentrated in separate, distinct neighborhoods in such a large,

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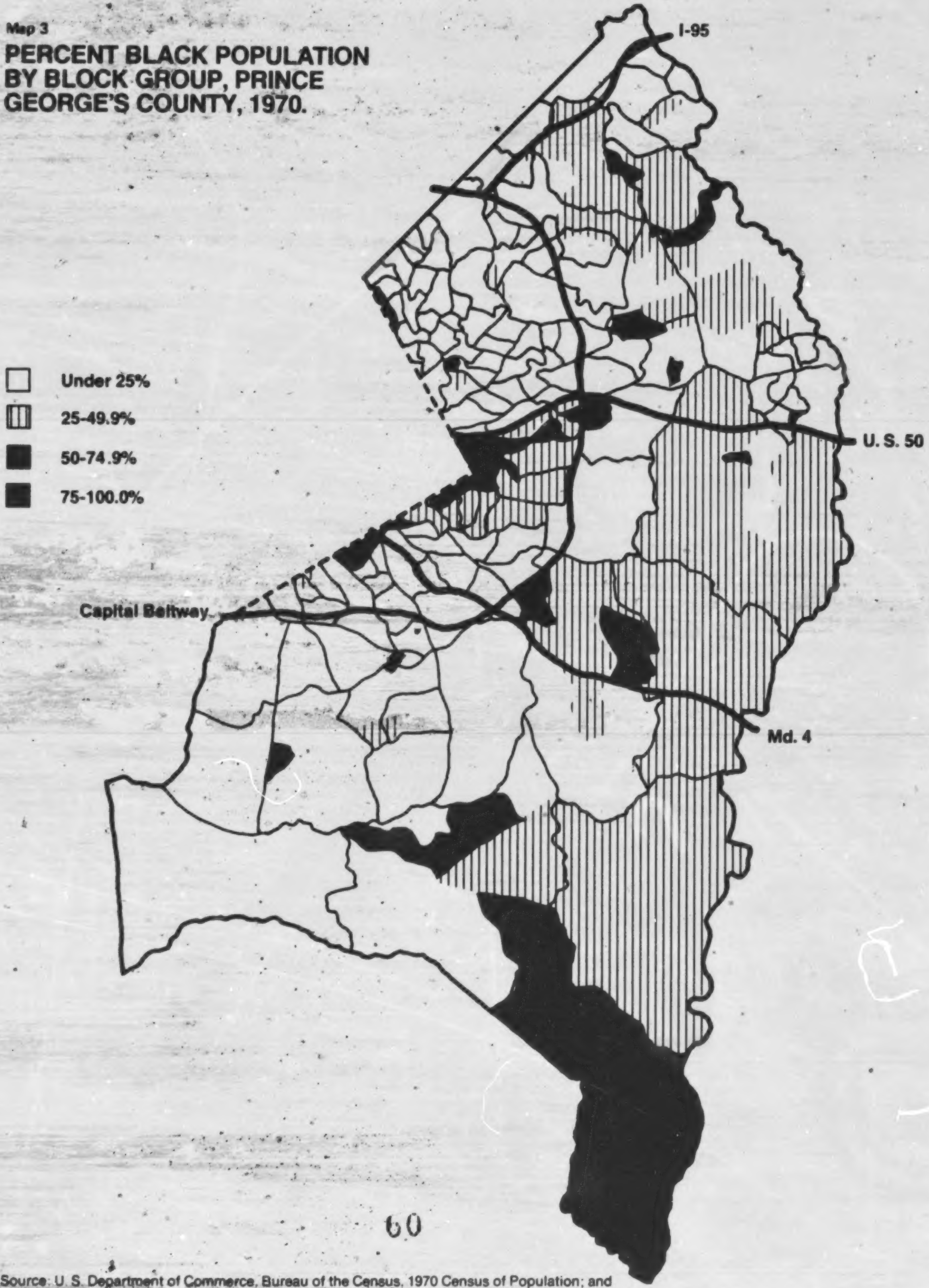
[47] Washington Center Study, p. 37.

[48] Block groups were not used at the time of the 1960 census. Therefore, no comparison can be made with 1970 data.

[49] Washington Center Study, p. 37.

Map 3

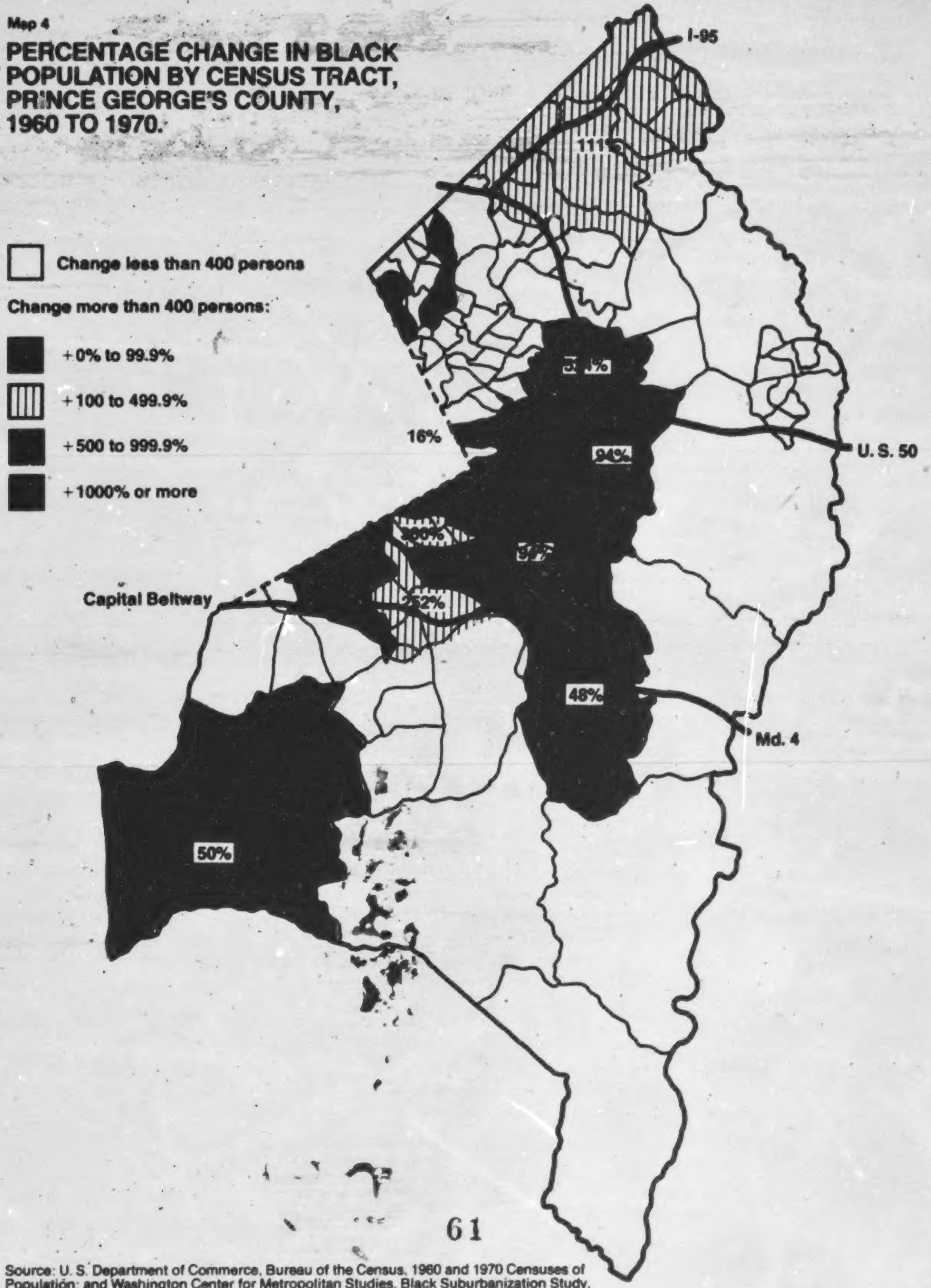
PERCENT BLACK POPULATION BY BLOCK GROUP, PRINCE GEORGE'S COUNTY, 1970.


I-95
☐ Under 25%
▥ 25-49.9%
■ 50-74.9%
■ 75-100.0%
U. S. 50
Capital Beltway
Md. 4

Source: U. S. Department of Commerce, Bureau of the Census, 1970 Census of Population; and Washington Center for Metropolitan Studies, Black Suburbanization Study, unpublished maps.

Map 4

PERCENTAGE CHANGE IN BLACK POPULATION BY CENSUS TRACT, PRINCE GEORGE'S COUNTY, 1960 TO 1970.


Change less than 400 persons
Change more than 400 persons:
+0% to 99.9%
+100 to 499.9%
+500 to 999.9%
+1000% or more
I-95
111%
U.S. 50
16%
94%
300%
Capital Beltway
252%
48%
Md. 4
50%

Source: U. S. Department of Commerce, Bureau of the Census, 1960 and 1970 Censuses of Population; and Washington Center for Metropolitan Studies, Black Suburbanization Study, unpublished maps.

rapidly growing, and changing area? Recent economic mobility in particular has been so high that it would have been quite possible for almost all neighborhoods to become substantially integrated before the taking of the 1970 census.

It might be argued that blacks, with their somewhat lower incomes, could not afford to reside elsewhere in the county. More subdivisions with median sales under $25,000 per unit in 1971, however, are located outside the heavily black central corridor than inside it. (See map 5.) A similar map for rental housing would show a substantial proportion of relatively modestly-priced apartments in all developed sections of the county.[50]

Another possible explanation might be that blacks have replaced whites in areas of older housing. This is also not true, however, as most of the dwellings in the central corridor have been built since 1960. Moreover, many census tracts in which 50 percent or more of all dwellings were built before 1950 are located outside of the central corridor. (See map 6.) "Actually, blacks have been moving primarily into areas of largely new housing with a fairly wide price range."[51]

The roots of this black and white residential segregation clearly go back several decades, at least to the period when both public policies and private actions were promoting racial exclusiveness in the large-scale movements of the population out of the city and into the suburbs. As Constance McLaughlin Green described it in her history of black Washington during the 1930's, "the Federal Housing Authority guaranteed loans approved for private housing projects, and the Resettlement Administration set about building for middle-income white families a carefully planned 'Greenbelt' town in the countryside of nearby Maryland...."[52]

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[50] Ibid., p. 39.

[51] Ibid.

That these conditions persisted from the 1930's to the early 1960's is attested both by the figures compiled by the U.S. Bureau of the Census on the racial exclusiveness of most suburban neighborhoods and by a report published in the early 1960's by the U.S. Commission on Civil Rights that dealt with housing problems in metropolitan Washington. The report stated: "That outright discrimination exists in many areas of the city and most areas of the suburbs, the Commission cannot doubt. Housing patterns create the inference; incident after incident compels the conclusion."[53]

The Commission cited the giant housing development of Belair as an example of outright refusal to sell to blacks. This development was constructed in the early 1960's by Levitt and

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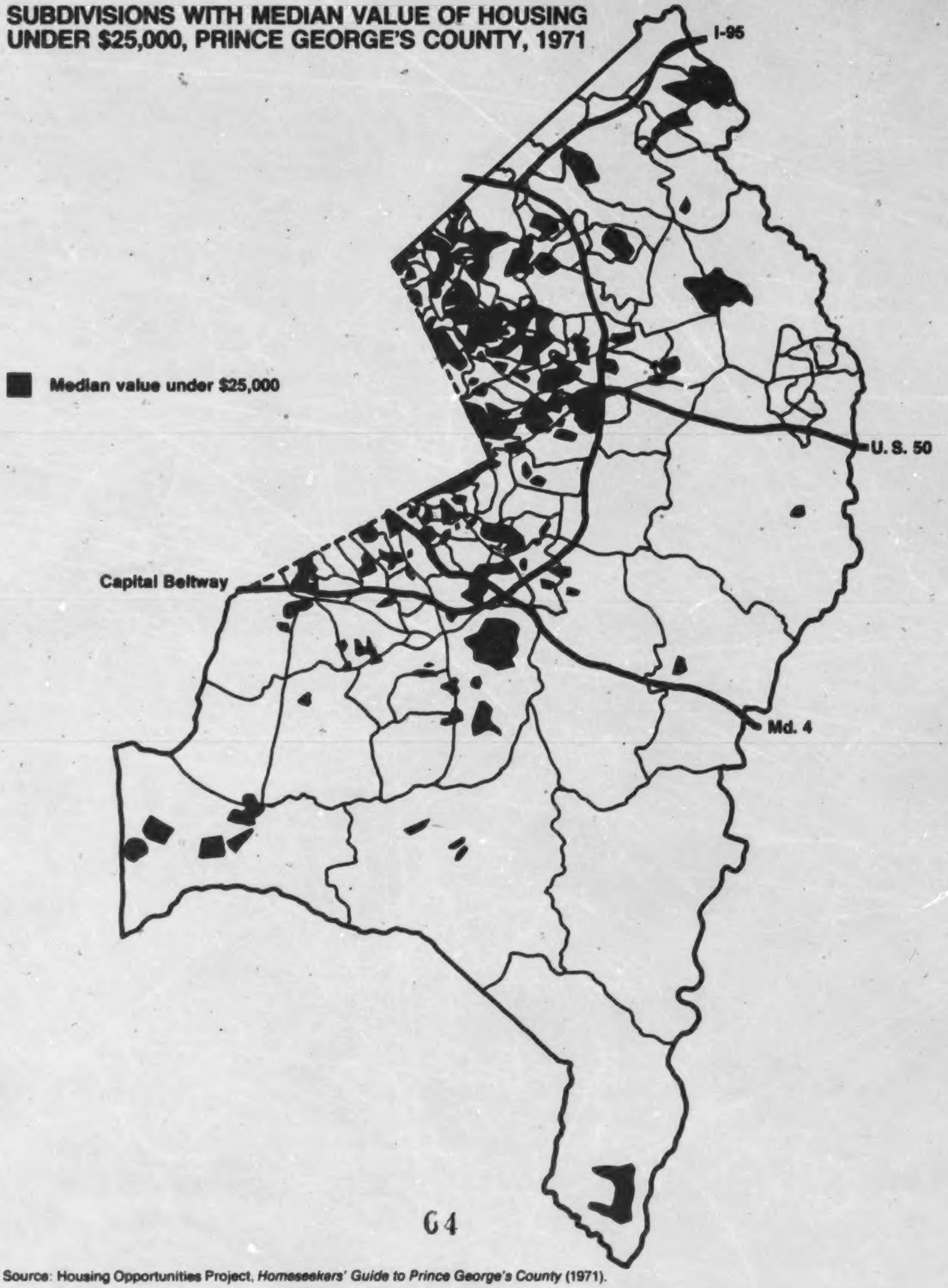
[52] Constance McLaughlin Green, The Secret City: A History of Race Relations in the Nation's Capital (Princeton, N.J.: Princeton University Press, 1967), p. 235.

[53] U.S., Commission on Civil Rights, Civil Rights U.S.A., Housing in Washington, D.C. (1962), p. 8.

Map 5

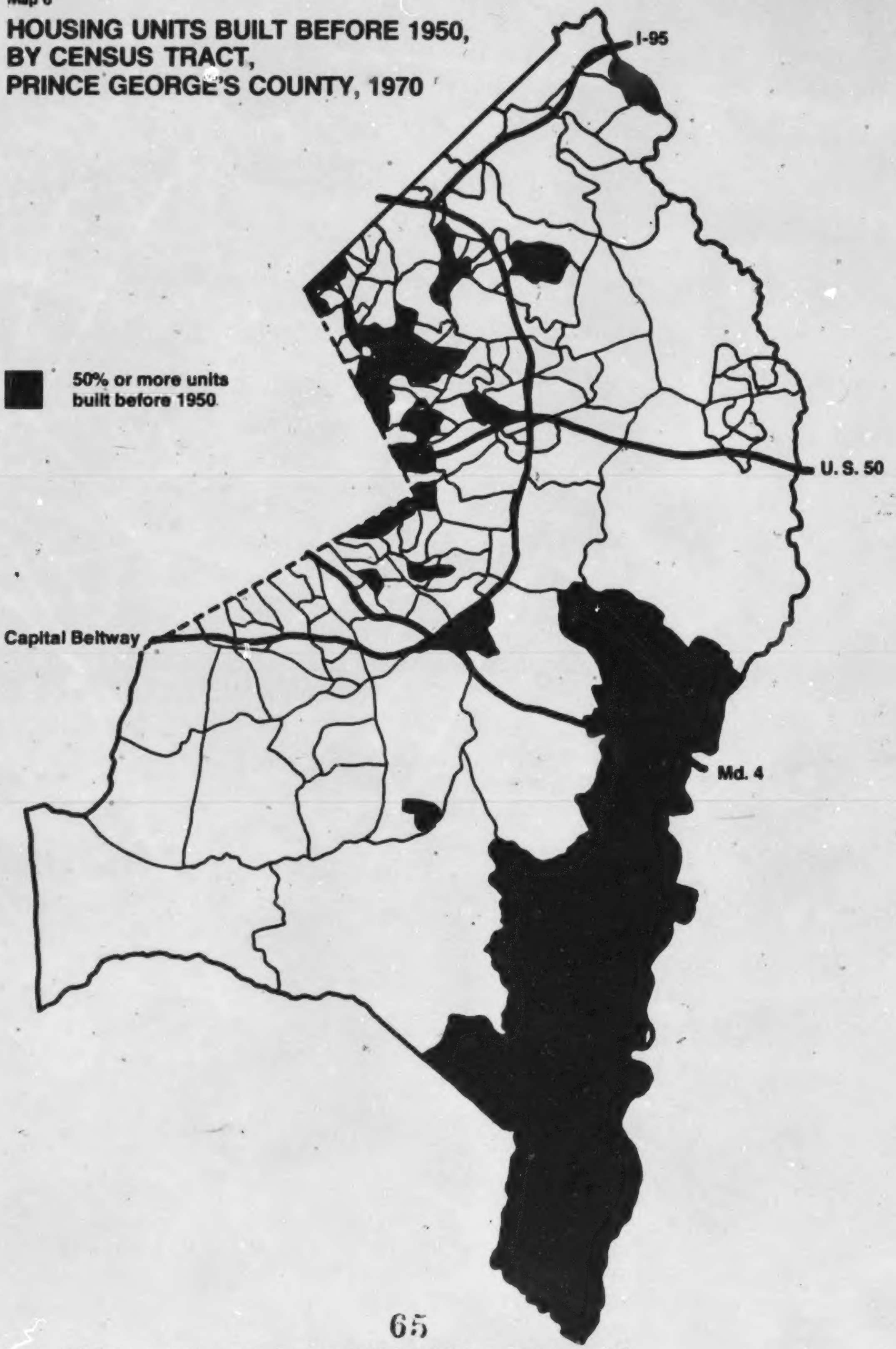
SUBDIVISIONS WITH MEDIAN VALUE OF HOUSING UNDER $25,000, PRINCE GEORGE'S COUNTY, 1971


I-95
▨ Median value under $25,000
U. S. 50
Capital Beltway
Md. 4

Source: Housing Opportunities Project, *Homeseekers' Guide to Prince George's County* (1971).

Map 6

HOUSING UNITS BUILT BEFORE 1950, BY CENSUS TRACT, PRINCE GEORGE'S COUNTY, 1970


I-95
■ 50% or more units built before 1950
U. S. 50
Capital Beltway
Md. 4

Source: U. S. Department of Commerce, Bureau of the Census, 1970 Census of Housing; and Washington Center for Metropolitan Studies, Black Suburbanization Study, unpublished maps.

Sons near the old town of Bowie in Prince George's County. Although Bowie had long contained a small black community, the Levitt firm publicly announced its intention to reject black applicants.[54]

The Commission also learned that racially-restrictive covenants, now judicially unenforceable, still appeared frequently in Washington-area real estate deeds and that "buildings in at least 13 Washington area communities still make effective use of them."[55]

Blockbusting

More recently, a special committee of the Maryland State legislature held hearings in several parts of the State, including Prince George's County, to investigate "practices of the real estate industry and its servicing industries related to economic and racial instability of neighborhoods."[56] In its report, issued in 1971, the committee affirmed its belief that "blockbusting"[57] and "steering" are frequent practices in certain neighborhoods, including some parts of Prince George's County.[58]

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[54] Ibid., p. 10.

[55] Ibid., pp. 10-11.

[56] Report of the Special Committee on Real Estate Practices to the Maryland Legislative Council (1971), p. 413. (Hereafter cited as Special Committee Report.)

[57] Blockbusting is the practice of inducing white people to sell their homes at fractions of their worth based upon allegations that property values will be substantially lowered because minorities are moving into the neighborhood.

"We believe," stated the report, "that real estate advertising patterns do contribute to racial segregation, resegregation and 'blockbusting' of certain neighborhoods. The committee heard unrefuted testimony that certain real estate brokers advertise certain properties in integrated neighborhoods only in newspapers addressed almost entirely to all-black markets."[59]

Many white and black community leaders reported widespread blockbusting in the county, especially in such areas as Palmer Park and Peppermill Village.[60] A former secretary of the county's fair housing commission charged that blockbusting had been more intense in Prince George's County than in any other Washington suburb.[61] A former real estate agent, who had been active in the 1960's, questioned whether some Virginia suburbs might not have been worse in this regard but had "no doubt that there was subtle or overt blockbusting," at least in the currently black communities of Palmer Park and Seat Pleasant.[62]

A record of large-scale blockbusting in an area implies the existence of deep fears among white homeowners, which lead to

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58. Special Committee Report, p. 413.

59. Ibid., p. 419.

60. Staff interview, September 1973.

61. Ibid.

62. Ibid.

panic in the face of prospective black neighbors. Such panic in some areas of the county permitted real estate agents to predict dire consequences for property values, and some white homeowners apparently took substantial losses in the sale of their homes in order to move away.[63] That this had clearly occurred to a large extent in Prince George's County suggests that traditional attitudes and fears concerning race alter slowly.

Such fears and prejudices flourish in the absence of enactment and enforcement of strong laws to halt such practices as blockbusting and steering. Residential separation of whites and blacks is the inevitable result of these unchecked manipulations,[64] and this was the case in Prince George's County. The former fair housing commission official noted that no bill against blockbusting was passed until 1967, and what did pass then was weak.[65] He also stated that the fair housing commission itself was underfinanced, understaffed, and now essentially "defunct," despite the fact that blockbusting has continued to be a problem.[66] He charged that the local board of real estate brokers, which has an ethics committee, had never seriously investigated a charge of blockbusting and that no other agency or

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63. Staff interview, August 1973.

64. Ibid.

65. Ibid.

66. Ibid.

county official had tried to do anything to stop the practice.[67] He observed, "it's still a wide open ball game" here. "You couldn't name five realtors in Prince Goerge's County who are trying to stop blockbusting."[68]

A county official told Commission staff that, clearly, "realtors had capitalized on the fears of whites," but that blockbusting is "damned difficult to prove."[69] A former member of the school board commented, "In some areas of the county, even today, people would panic if blacks moved in."[70]

Steering

The special committee on real estate practices of the Maryland legislature also heard testimony about "steering." "If a prospective purchaser is black he is often steered into black communities or integrated communities. If a purchaser is white he is steered into all white communities. ..."[71] Witnesses who appeared at a hearing in Prince George's County to complain of steering practices cited as a consequence "the collapse of multiracial housing patterns."[72]

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67. Ibid.

68. Ibid.

69. Ibid.

70. Ibid.

71. Special Committee Report, p. 419.

72. Ibid., p. 420.

Lawsuits and fair housing complaints helped to pinpoint the extent of residential segregation in Prince George's County. Housing subdivisions in the central corridor were clearly developed for a black housing market. The Housing Opportunities Council of Metropolitan Washington (HOC) cited three developments--Fairfield Knolls, Whitfield Woods, and Wilburn Woods--in complaints filed in 1969 with the U.S. Department of Housing and Urban Development (HUD).[73] Fairfield Knolls later developed into a lawsuit in the Federal courts. The action was taken in these instances principally because of racial clues in newspaper advertising that indicated to the reader that a black clientele was being sought. These clues were conveyed by pictures of blacks or by maps shown as adjacent to residential areas known area-wide as intended for or resided in by blacks.[74]

In evidence presented by HOC, practices were noted of sales personnel discouraging and excluding white applicants while welcoming blacks in those subdivisions. The HOC complaints were resolved in its favor in 1970 and 1971 and had an additional salutary effect of more general significance. They resulted in strong sanctions and influenced the content of the regulations and guidelines soon afterward adopted by HUD governing real estate advertising practices nationally.[75]

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[73] The Fairfield Knolls case was HOC v. Stanmar Development Corp., Beltway Homes, Inc., et al. (Civil Action No. 1044-70.) The Whitfield Woods Complaint was HOC v. Silver Construction Co. Gitelson and Neff, and Warren Adler, Ltd. (HUD Central File No. 11-70-10-91 (2), HUD Regional File No. 824-68.) The Wilburn Woods Complaint was HOC v. T.D. Burgess Elmore Associates, et al. (HUD Central File No. 11-70-12-115 (2) and Regional File No. 824-77.)

[74] Washington Center Study, p. 45.

During the same period, the Washington Center for Metropolitan Studies investigated real estate advertising in Washington area newspapers to determine the extent and nature of exclusionary practices. These practices ranged from use of racial or religious wording, such as "white only," "Jewish home," "colored home," to less obvious references, such as "for those who belong," "near exclusive county club," and "private exclusive community."[76] The center also found that no display ads showed an interracial group, even though one ad featured a group of 13.[77] All pictures of black families in ads for Prince George's County housing were for developments in the central corridor.[78]

Selective misplacement of ads for suburban properties under the "District of Columbia" classification also occurred. These ads were found in all three major dailies.[79] Persistent misclassification for months precluded a conclusion that the misplacement was caused by error.[80] Housing located either in heavily black areas or in transitional neighborhoods usually was subjected to such misclassification. Selective "steering" of black prospects was to certain locations, mainly in Prince George's County, that were judged by the advertisers to be acceptable for black occupancy.

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[75] Ibid., p. 46.

[76] Washington Center Study, p. 46. Cited from George Grier, Bias in Newspaper Real Estate Advertising," Interim Memo Report No. 2 (Metropolitan Washington Housing Opportunities Project, Washington Center for Metropolitan Studies, July 1970).

[77] Ibid.

[78] Ibid.

[79] At the time Washington, D.C., had the Daily News, the Washington Star and the Washington Post.

Other developers and apartment owners elsewhere in the county were also discriminating against blacks and admitting whites only.[81] The developers of Kettering, located a few miles east of the central corridor, were subjects of lawsuits under the 1968 Federal Fair Housing Act.[82] In a classic "tester" case, three black families encountered discrimination in attempting to obtain homes in the Kettering development, while two white testers were not subjected to obstacles. HOC filed suit on behalf of the black families, and the U.S. Department of Justice subsequently informed the developers that it intended to enter the case if a satisfactory settlement were not reached.[83] The developers settled and the agreement devised provided for $3,000 for plaintiffs in damages as well as for affirmative action in employment, advertising, marketing, and handling of inquiries and applications in connection with the housing development.[84]

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[80] Washington Center Study, p. 47. Cited from Maureen Rafferty, "Bias in Newspaper Real Estate Advertising, A Re-Survey," Interim Memorandum Report No. 4 (Metropolitan Washington Housing Opportunities Project, Washington Center for Metropolitan Studies, November 1970).

[81] Washington Center Study, p. 47.

[82] 42 U.S.C.A. §3601 et seq. (1970) as amended (Supp. 1975).

[83] Washington Center Study, p. 48.

The U.S. Department of Justice has brought several cases charging discrimination against blacks in apartment complexes in Prince George's County.[85] These include Chillum Heights Apartments in Hyattsville,[86] Southview Apartments[87] and Sunrise Gardens Apartments[88] in Oxon Hill, Oakcrest Towers[89] and Pennbrooke Terrace Apartments[90] in Suitland, and Hillcrest Heights Apartments[91] in Hillcrest Heights. All of these areas were heavily white in 1970.[92]

Discriminatory soliciting of black applicants and concommitant discouraging of whites or exclusion of blacks resulted in turning neighborhoods black or keeping others almost completely white in Prince George's County.[93] This residential segregation had an inevitable effect on the composition of schools in Prince George's County.

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[84] Ibid.

[85] Ibid.

[86] Ibid.

[87] Ibid.

[88] Ibid.

[89] Ibid.

[90] Ibid.

[91] Ibid.

[92] Ibid.

[93] Ibid.

Chapter 2

RACE AND SCHOOLS, 1953-64

Just as the population of Prince George's County underwent extraordinary growth and change in the fifties and sixties, so too did the county schools. From 41,650 students--13.6 percent were black--in 1953-54, the school system had grown to 98,589, of whom 11.4 percent were black, in 1964-65[1] (see tables 2.1 and 2.2). It is in this context of growth and development that school desegregation should be discussed.

Pursuant to an 1872 Maryland law,[2] the county educated black and white children separately. In 1953-54, the county's 24 black schools were headed by a black supervisor whose office was separate from the offices of the supervisors of the white schools. The black supervisor reported directly to the white superintendent of schools. The superintendent of schools, in turn, was responsible to the seven-member county board of education on which one black served.[3]

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[1] Statistics derived from Prince George's County (PGC), Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972. (Hereafter cited as "Report of Schools.")

[2] Vol. 7, Md. Ann. Code. Art. 77 §1957 (1969 codified).

[3] The Prince George's County Board of Education was appointed by the Governor of Maryland, Vol. 7, Md. Ann. Code Art. 77 §35(b) 1957 (1969).

Table 2.1

RACIAL PROFILE OF SCHOOLS, 1953-54

Total student enrollment	41,650	
White	35,966	
Black	5,684	(13.6 percent)
Total black students in:		
"Desegregated" schools	0	(0.0 percent)
All-black schools	5,684	

All-Black Schools

1. Aquasco
2. Bladensburg (Varnum St.)
3. Brooks Road (Doswell E. Brooks)
4. Camp Springs - C
5. Cedarville
6. Clinton
7. Douglass (old)
8. Fairmont Heights
9. Highland Park
10. Holly Grove
11. Lakeland
12. Laurel (Laurel Grove)
13. Lincoln
14. Mitchellville
15. Mount Nebo
16. North Brentwood
17. Oak Grove
18. Rosaryville
19. Sojourner Truth
20. Douglass Jr.-Sr. High
21. Fairmont Hts. Jr.-Sr.
22. Lakeland Jr. High
23. Lincoln Jr. High
24. Westwood Jr. High

Source: Statistics derived from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

Table 2.2

RACIAL PROFILE OF SCHOOLS, 1954-55

Total student enrollment	45,613	
White	39,638	
Black	5,975	(13.0 percent)
Total black students in:		
"Desegregated" schools	0	(0.0 percent)
All-black schools	5,975	

All-Black Schools

1. Aquasco
2. Bladensburg (Varnum St.)
3. Brooks Road (Doswell E. Brooks)
4. Camp Springs - C
5. Cedarville
6. Clinton
7. Douglass (new)
8. Fairmont Heights
9. Highland Park
10. Holly Grove
11. Lakeland
12. Laurel (Laurel Grove)
13. Lincoln
14. Mitchellville
15. North Brentwood
16. Oak Grove
17. Ridgley Special
18. Rosaryville
19. Sojourner Truth
20. Douglass Jr.-Sr. High
21. Fairmont Hts. Jr.-Sr.
22. Lakeland Jr. High
23. Lincoln Jr. High

Source: Statistics derived from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

Prince George's County's dual school system provided for complete racial segregation. Separate buses, often traveling the same roads, transported black and white children to their separate schools. Teachers were segregated by race; when the superintendent addressed them, he did so at two meetings, one for blacks and one for whites. Black and white teachers had separate professional associations, and parents belonged to either a white or black PTA.[4]

After 82 years, segregated education in the county probably seemed immutable. In May of the 1953-54 school term, however, the Supreme Court of the United States handed down a decision that outlawed State-sanctioned racial segregation in public education.

In the case of Brown v. Board of Education,[5] the Court, on May 17, 1954, declared in a unanimous opinion:

> We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of [State-sanctioned], deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment.[6]

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[4] Unless otherwise indicated all quotations or facts noted were obtained in staff interviews during the pendency of the study, primarily in the period, June-September 1973.

[5] 347 U.S. 483 (1954) [hereafter referred to as Brown I].

[6] Id. at 495.

INITIAL REACTION

Within 2 weeks, both the Maryland State Board of Education and the Prince George's County Board of Education announced their positions on the Supreme Court ruling. The State board on May 26 announced its intention to abide by the Brown decision but stated that "until the conditions of the decisions are made known finally, with the mandate and decree of the Supreme Court, any detailed plan of action for implementation would be premature.[7] The State board undergirded its position by continuing:

> The laws of Maryland specifically provide for segregation in the public schools and in the teachers colleges. In view of this law requiring segregation, no program of integration can be put into effect until the decision of the Supreme Court becomes final and an effective date is set by the Supreme Court.[8]

In considering the implementation of desegregation that would be required by the Court's final decree,[9] the State board declared:

> The detailed problems in respect to implementing the decision of the Supreme Court will rest primarily upon the local boards of education. The problems involved in any program of integration will vary among the different school systems of the State, but we are

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[7] Statement of the State Board of Education regarding the U.S. Supreme Court Decision of May 17, 1954; May 26, 1954. Maryland Congress of Parents and Teachers, Report of Inter-Group Relations Committee; Statements of Policy on Segregation, p. 1.

[8] Ibid.

[9] The final decree was Brown v. Board of Education, 349 U.S. 294 (1955) [hereafter referred to as Brown II].

> confident that they will be solved in a fair, decent, and legal manner with good common sense....
>
> The role of the State Board of Education is not to set the detailed pattern of operation but to take an official position that the decision will be implemented with fairness and justice to all, and with due regard for the professional aspects of the program. Futher, its responsibility is to act in a general overall supervisory nature to insure that standard practices are followed throughout the state.[10]

Two days after the State board issued its statement, William Schmidt, superintendent of the Prince George's County school system, circulated a bulletin to all school personnel to "allay the uncertainties...as to the 'why,' 'how,' and 'when' of integration."[11] In it he stated:

> As Superintendent of Schools of Prince George's County, I expect to operate our school system during the 1954-55 term on the same basis that the schools have been operated during the 1953-54 term. It is my understanding that the Supreme Court in its statement of May 17, 1954, handed down an "opinion" outlawing segregation in the public schools of the Nation. The Court is delaying its final decision or the "issuance of a decree" to put its opinion in force until the Attorney General of the United States and the Attorney Generals of the states affected have an opportunity to submit

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10. Statement of the State Board of Education regarding the U.S. Supreme Court Decision of May 17, 1954; May 26, 1954. Maryland Congress of Parents and Teachers, Report of Inter-group Relations Committee; Statements of Policy on Segregation, p.1.

11. PGC Superintendent of Schools, Office Bulletin No. 20 to All School Personnel Concerning United States Supreme Court Decision on Segregation, May 28, 1954.

> briefs on how segregation is to be abolished and how integregation is to achieved.[12]

Superintendent Schmidt added his hope "that all principals, teachers, clerks, custodians, cafeteria workers, bus drivers, and any other school employees will accept their assignments for 1954-55 withour fear, prejudice or bias."[13] He concluded the bulletin by assuring school personnel that:

> ...Prince George's County will not initiate any actions at the local level independently of the other county school units. We are a part of a State system of education. The changes which we make in the organization of our schools will be made in conjunction with all the other counties of Maryland, with the approval of the plans as they are sanctioned by the State Board of Education and with the concurring consent of our local Board of Education.[14]

At its June 1, 1954, meeting, the Prince George's County Board of Education adopted Superintendent Schmidt's bulletin as its own statement of policy.[15]

The Supreme Court did not issue its decree determining how school desegregation was to be implemented until a year later--

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[12] Ibid., p. 13.

[13] Ibid.

[14] Ibid., p. 12.

[15] PGC Board of Education, "Prince George's County, Maryland, Plan for Desegregation" (1965), p. 13. (Hereafter cited as "Plan for Desegregation.")

May 31, 1955.[16] During that intervening year Maryland State and Prince George's County school officials publicly manifested their understanding of the broad ramifications of the Brown I decision. Until the final decree was issued, however, the officials confined their actions to general analyses of "the problem of desegregation." They neither prepared detailed desegregation plans nor initiated substantive desegregation activities.[17]

In preparation for issuance of its 1955 decree, the Supreme Court invited arguments by State attorneys general on the necessary measures to be taken to end unconstitutional segregation.[18] Thomas Pullen, the Maryland State Superintendent of Schools, appointed a five-member committee of school superintendents, chaired by Prince George's County Superintendent Schmidt, to:

> 1. work closely with the State Department of Education and the Attorney General's office on the collection preparation of data to be used in the presentation of Maryland's brief to the Supreme Court [for the hearing on the issue of relief]; and
>
> 2. draw up a broad general statement of principles to be used by local boards of education as guiding principles for implementing the Supreme Court decision "that will be fair and equitable through

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[16] Brown II, 349 U.S. 294 (1955).

[17] PGC Superintendent of Schools, Office Bulletin No. 20 to All School Personnel Concerning United States Supreme Court Decision on Segregation, May 28, 1954, p. 12.

[18] 347 U.S. 483, 496 (1954); 349 U.S. 294, 298 (1954).

> the State" and impair no individual rights.[19]

The committee responded to its first task by urging the Attorney General of Maryland to argue before the Supreme Court "for a 'gradual adjustment' as the counties move from a segregated system 'to a system not based on color distinctions,'" and "'to suggest that any time limit recommendation be flexible[20] to provide for local adaptation to the final decree of the Court.'"

The superintendents supported a "gradual adjustment" to desegregation by stressing the "extensive reorganization" of the State school system "in the areas of administration, expenditures, allocations of pupils and teachers, construction of school facilities, and other related services" that would inevitably result from the May 17 decision.[21] They also emphasized the "profound and sweeping changes" in the "mores of society" that the decision necessitated.[22] They argued that:

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[19] Superintendent's Committee on Desegregation of the Public Schools of Maryland, "Report to the State Board of Education and the Attorney General of Maryland" (undated), pp. 2-3.

[20] Ibid., p. 6. The committee noted that if the Court should issue a gradual adjustment decree: "...it may be argued by some protagonists that indefiniteness is an invitation to endless court litigation and confusion. In fact, some have already argued that 'gradual adjustment' will be nothing short of a dodge--a law of compliance which permits State officials to do nothing at all whenever they are of a disposition to do nothing. In rebuttal, the committee would call to the attention of the Supreme Bench the expressed intent of public officials of Maryland, who would be charged with the responsibility of carrying out the Court's decree.... The committee would also wish to impress upon the honorable judges the fact that the process of desegregation will be carried out with the same good will and spirit--which have always characterized the application of law in Maryland. The long and honorable record of Maryland as a member of the Union attests to the integrity of this statement." Ibid., p. 6.

> The Supreme Court in abolishing segregation in the public schools of this country created a new right for a minority group. By the same action it abrogated a right of the majority group. It is specious to argue that this right of the majority did not exist legally; it has been countenanced as a right for nearly a century and the Supreme Court on one memorable occasion placed its official sanction upon it. Pragmatically, then, the right of the white people in any given state, under the approval of its state laws, to send their children to segregated schools has existed. More important than any other consideration is the fact that the citizens of the several states practicing segregation in their schools have thought they had this right and their thinking and their attitudes have been conditioned by this fact.
>
> The Supreme Court, in rendering its opinion to the effect that the operation of segregated schools by any State or local community is unconstitutional, strongly emphasized the psychological disturbances in Negro children due to this policy of excluding them from schools for white children. Supposedly and conversely, the mixing of children, white and colored, will eliminate this emotional disturbance on the part of Negro children. Assuming for the purposes of this discussion that the premise has validity, although the problem is not quite so simple, by the same token it is reasonable to expect that integration will cause emotional

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[21] Ibid., p. 7.

[22] Ibid.

> disturbances in these white children who have lived in a segregated world with as clear a conscience as that of the English, Dutch, and New England slave traders who brought the Negroes to America for financial gain. Without implying criticism of the Court on this point, it might be said that justice--we are not referring to mercy--has no concern with the purely psychological. Justice is concerned solely with rights and privileges--moral and legal.
>
> But since the psychological disturbances of Negro children have been considered in creating this new right for them, the Court should bear in mind the emotional disturbance it is creating in white children by revoking the pre-existing right. The practical application of this point is that this factor should be taken into consideration in deciding upon the final decree.[23]

The committee responded to its responsibility to draw up general principles "to guide the school districts in desegregation by advocating essentially the remanding of responsibility for implementing the decree to the local school authorities." The superintendents wrote:

> Our adherence to this position is based on our desire to build at the local level in our respective counties a climate of good will between all parties concerned. This climate is necessary to undergird the program of action which must be organized to carry out the opinion of the Court. We recommend to the several counties the formation of Citizens' Committees appointed by the local board and consisting of representatives of both races, who will consult with the local educational authorities on the steps to be taken in

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23. Ibid., pp. 7-8.

> each county, the progress of desegregation, and the setting up of safeguards for the protection of the rights of all children.[24]

The committee concluded its report with this statement;

> Finally, it is but a truism to say that the means determine the end. The manner in which desegregation is put into effect in our state and in our nation will determine for many years to come the attitude of the races toward each other. Only through good will is good will engendered.[25]

The prophetic quality of the committee's "truism" is revealed by the course of desegregation in Prince George's County.

Official journal minutes of the Prince George's County Board of Education indicate that the board discussed school desegregation on a number of occasions between May 17, 1954, and May 31, 1955. On June 21, 1954, for example, the superintendent presented data on the number of Negro[26] students riding schoolbuses "in order to show the Board how the Negro student population would be affected if the Supreme Court...should insist on school districting and the theory of compulsory integration."[27] According to the minutes, the superintendent felt the board needed this information because of its "very serious and important bearing on...items of the 1954-55 building program and on any plans which might be developed in the future."[28]

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[24] Iid., p. 17.

[25] Ibid., p. 18.

[26] The word "Negro" is used instead of "black" in this report when statements are made and actions are taken by school officials who, until recent years, referred to blacks as Negroes. The Commission uniformly refers to this minority group as blacks rather than as Negroes to conform to the expressed preferences of the minority group.

[27] PGC Board of Education, Minutes, June 21, 1954.

On August 23, 1954, a delegation of the Prince George's County chapter of the NAACP appeared before the board "inquiring as to what steps or what position the Board has [taken] relative to the Supreme Court decision on desegregation...."[29] The delegation raised questions about the integration and status of Negro teachers and the willingness of the board to draw school attendance boundary lines and provide schoolbus transportation. The group did not receive definitive answers to its questions but, nevertheless, expressed its desire to cooperate with the board in any efforts it might take to desegregate the schools.

On October 12, 1954, the board requested professional staff "to enumerate the problems which might be encountered by the program of desegregation."[30] The board, according to the resolution, wanted to familiarize itself with the general range of problems involved in desegregation, so that it could then appoint a lay committee to "further study the problem."[31]

The board passed a resolution on November 22, 1954, that

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28. Ibid.

29. PGC Board of Education, Minutes, Aug. 23, 1954.

30. Noted in "Plan for Desegregation," p. 13.

31. Ibid.

empowered its president to appoint a committee "not to exceed 21 Negro and white citizens including educators for the purpose of advising and conferring with the Board and school administrators on matters of policy for the implementation of the May 17 decision of the Supreme Court concerning segregation."[32] Although authorization for the citizens committee followed the recommendation made to the State board of education by Superintendent Schmidt and the four other superintendents, the actual appointment of the "Fact-Finding Committee to Study the Problems of Desegregation in Prince George's County" was not made until April 12, 1955. On that date the board also imposed an order of secrecy on the committee during its investigation.[33]

Early in 1955, the school board authorized the school administration to establish a human relations workshop for all principals and staff members "to consider the problem of integration as they see them in their respective schools and for their respective races." The administration conducted 10, 3-hour sessions of the workshop between February 2 and April 6, 1955.[34]

On January 24, 1955, the board, for the first time, was squarely confronted with the need to take action related to desegregation that entailed more than "studying the problem." The superintendent reported that he had received a request from the U.S. Office of Education that the board approve an amendment to the Federal permit authorizing the Prince George's County school system to operate the Andrews Air Force Base School.[35] The amendment would provide assurance to the Government that the board of education would operate the base school on a nonsegregated basis beginning September 1955. After the superintendent explained that the operation of any public school on a desegregated basis was contrary to the ruling of the Maryland Attorney General, the board voted not to approve the amendment requested by the Office of Education.[36]

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[32] Ibid., p. 13.

[33] Ibid., p. 15.

[34] Ibid., p. 14.

On May 31, 1955, the Supreme Court handed down its long-awaited ruling on the question of relief in the Brown case.[37] The Court arrived at its decision after considering the views of the parties to the litigation, as well as the views of the Attorney General of the United States and the attorneys general of some States--including Maryland--that required or permitted racial discrimination in public education. Having noted the complexity of the task of eliminating racial discrimination in public schools, the Court held:

> ...the courts [lower courts] will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954 ruling. Once such a start has been made, the courts may find that additional time is

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[35] PGC Board of Education, Minutes, Jan. 24, 1955.

[36] Ibid.

[37] Brown II, 349 U.S. 294 (1955).

> necessary to carry out the ruling in an effective manner. The burden rests upon the defendants to establish that such time is necessary in the public interest and is consistent with good faith compliance at the earliest practicable date.[38]

The initial reaction of both Maryland State and Prince George's County school officials to the Court's decree was positive: They publicly stated their acceptance of the ruling and promised their compliance with it.

On July 12, 1955, Superintendent Schmidt proposed and the Prince George's Board of Education approved a plan of organizational and administrative changes in the operation of the county school system.[39] According to the superintendent, the plan constituted "the first steps required by the decree of the Supreme Court." The plan provided that schools would be listed and official statistics would be processed without reference to race, that staff meetings would be held on a nonsegregated basis, and that central office personnel would be given work and office space assignments without regard to race. The plan also authorized the creation and continuance of several committees to study problems associated with desegregation and committed the board of education to consider recommendations submitted to it by the Fact-Finding Committee before adopting its own plan "for a non-discriminatory system of schools."

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[38] Id. at 300.

[39] PGC Board of Education, Minutes, July 12, 1955. The verbatim recommendations made by the superintendent and approved by the board are shown in appendix A.

In adopting the superintendent's recommendations for organizational changes, the board of education reversed its previous decision on the Andrews Air Force Base School and notified the Office of Education of its intention to operate the school on a nonsegregated basis.[40]

Finally, the plan committed the board of education to assume full responsibility for the education of all children residing in the county. Heretofore, a number of black children from Prince George's County attended school in adjoining Montgomery County, Maryland, under an agreement between the two school systems. The children crossed the county line each school day to attend the all-black Takoma Park Elementary School because it was much closer than the nearest Prince George's County black school.[41] Only white schools served the area in which the children resided.

Superintendent Schmidt stated that the plan "does not answer all the problems arising in the transition of the schools from a system of segregation to one devoid of racial discrimination." He specifically pointed out that the administrative and organizational changes included in the plan did not touch upon the critical problem of pupil admission to schools on a nonracial basis, but he said that it would be "highly inappropriate" for him to make a recommendation on the subject of pupil admissions until the board had received the Fact-Finding Committee's report.

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[40] PGC Board of Education, Minutes, July 12, 1955, part B.1.

[41] Ibid., part C. 1.

The Fact-Finding Committee, composed of 17 whites and 5 blacks, submitted its report to the board of education on July 21, 1955.[42]

In preparing its report, the committee reviewed the legal mandate to desegregate, researched the demography of the county, and investigated school facilities, schoolbus transportation, attendance districts, teaching staff, and community attitudes.[43] It also compared "the incidence of communicable disease" and educational achievement between whites and Negroes and studied the experience of nearby systems that had already started desegregating students.[44] Concerning student desegregation, the committee treated the interrelated variables of population distribution, school facilities, transportation, and school attendance districts.[45] The committee also prepared a detailed population map that showed "the distribution of white and non-white population for the entire county."[46]

The bulk of the substantive information on student desegregation was contained in the report's Exhibit E, a table entitled "Anticipated Enrollment (September, 1955) in Desegregated School Program Compared with Classroom Capacity." The significance of Exhibit E was that it illustrated how much desegregation would occur under a nominally nondiscriminatory, pupil assignment plan.[47]

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[42] "Report of the Fact-Finding Committee to Study Problems of Desegregation in Prince George's County" (July 21, 1955), p. 10. (Hereafter cited as "Fact-Finding Committee Report.")

[43] Ibid., pp. 1-17.

[44] Ibid., pp. 18-19.

[45] Ibid., pp. 8-11.

[46] Ibid., p. 10.

Exhibit E displayed anticipated enrollments for September 1955 broken down by race for all schools, "assigning" students to schools "on the basis of present districts but without regard to race." The "present districts," however, were two sets of overlapping attendance areas established for the separate white and black schools.

Although the exhibit was based on pupil "assignments" that were only nominally nondiscriminatory, it, nevertheless, showed that 47 of the 106 schools scheduled to operate in 1955 would be desegregated and that 25.4 percent of the 8,777 black students projected to enroll in 1955 would attend desegregated schools. If the "assignments" had been made "without regard to race" to white as well as black schools and white students had been "assigned" to formerly Negro schools, the projected number of desegregated schools and the number of students attending them

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47. While all black students were "assigned" to schools "without regard to race," in the table, it is evident that race was a factor in the "assignment" of white students, since no white students were "assigned" to black schools. This was done despite the fact that many white students residing in overlapping white and black school attendance districts lived closer to a black school than to a white school. The desegregation realized was clearly nominal.

would have been even higher.[48]

Following the premise that the "availability of classroom space will be a major factor in determining when and how fast desegregation can take place," the committee compared the classroom capacities of schools with the anticipated student enrollments under the assignment plan in Exhibit E. The comparisons showed that the anticipated enrollments of some schools were out of line with the schools' classroom capacities. The committee concluded, however, that "it is evident that there are now some schools where desegregation can be put into effect immediately."[49]

Concerning the staff of the school system, the committee noted that the projected growth in student population would necessitate hiring additional teachers, suggesting, therefore, that desegregation should not have any effect on teachers' job security. The committee also emphasized the critical role of staff attitudes in influencing the success or failure of a desegregation program.[50]

The committee "tried to ascertain the general attitude of the county toward desegregation of schools" by interviewing a cross-section of "community leaders."[51] The group made it clear, however, that it did not study community attitudes because it believed that they should be "a limiting factor in putting a program of desegregation into effect," but rather to investigate "the need for community education as an essential part of the desegregation program."[52]

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[48] Exhibit E, Anticipated Enrollment in Desegregated School Program Compared with Classroom Capacity, July 1955.

[49] "Fact-Finding Committee Report," p.9.

[50] Ibid., pp. 11-13.

[51] Ibid., pp. 13-15.

The committee found through its survey that a majority of the white groups polled preferred a gradual program of desegregation, while a majority of black groups contacted wanted desegregation to go into effect immediately. The committee found that both blacks and whites had questions on many phases of desegregation, and that the same questions were often asked by both groups. One question asked by some whites was, "What effect will desegregation have on the health of white and Negro children?"[53] The Fact-Finding Committee refuted the validity of this question through health data and medical testimony it had acquired and released to the public through the school health council.[54] Following this release, fewer questions were asked on the subject.

The 27-page report concluded with policy recommendations to the board of education. The committee expressed the need "for a prompt and clear-cut statement of policy by the Board of Education of Prince George's County regarding desegregation, with

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52. Ibid.

53. Ibid., p. 14.

54. Ibid.

a public declaration that the Board intends to support its policy in fairness to pupils, teachers, and parents of both races." Although it did not set a target date for the complete desegregation of the county school system, the committee did "expect that a program of desegregation...be started as soon as practicable in each school where classroom facilities and other conditions will permit."[55]

The fact-finding group did not recommend an actual student desegregation plan but proposed two basic principles for the school board and the administration to follow. The first was that "insofar as it is administratively and economically possible, pupils irrespective of race, should be allowed to attend the school closest to their homes."[56] This recommendation might have been satisfied by a freedom of choice desegregation policy.[57] The committee, however, had another proposal that would have required more of school officials; namely, that "the present policy of fixed school boundaries can be continued, but on an integrated basis with present exceptions."[58]

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[55] Ibid., p. 25.

[56] Ibid., p. 26.

[57] This freedom of choice policy is a method of school assignment that allows pupils or their parents to choose a public school they want to attend.

[58] Committee members told Commission staff that the phrase "present exceptions" was meant to be construed narrowly and referred the staff to the following explanatory paragraph found on p. 10 of the report: "Actual redistricting was felt to be entirely the responsibility of the Board of Education and its (cont.)

Another recommendation was that "plans for any future school building program...be re-examined and revised in line with the policy on desegregation adopted by the Board of Education."[59] The committee also stated that desegregation should not be limited to students, but "teachers and all other school personnel should be included in the program of desegregation."[60]

To facilitate desegregation, the committee urged the board to establish "immediately...a comprehensive program of education in inter-group relations for all school personnel," and a "well-organized program of community education" regarding desegregation.[61]

The committee's final recommendations concerned the educational program of the county school system. One was a general goal that a "program of education should be provided that will challenge the ability of each pupil"; another recommendation urged that "increased emphasis be given to the gifted and above average pupil." Last, although the committee reiterated its

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(58 cont.)

staff. The one brief discussion of the possibility of flexible school boundaries quickly pointed up the fact that all were in favor of continuing the present policy of fixed school boundaries with the usual exceptions granted to students wishing to take advantage of special courses at other schools. The possible further exception to this general policy might be made if a 1956 senior high school graduating class wishes to graduate from the school it has attended for the past two years rather than be moved to another school for its last year."

59. "Fact-Finding Committee Report," p. 26.

60. Ibid.

61. Ibid.

finding that "there are no grounds for fear of an increase in the spread of communicable diseases among white children in a desegregated system," it "nevertheless," proposed that "an expanded health education program in the schools should be developed and put into operation at the earliest possible date."[62]

On July 25, 1955, the board voted to receive the committee's report and release it to the press with a notice that statements contained therein did not "presently represent the policy of the Board." The board decided, however, to withhold Exhibit E from the press and the public.[63] This exhibit revealed that nearly half of the schools in the county could be desegregated under a pupil assignment plan that was nominally nondiscriminatory.

Fifteen days after it released the report, the board adopted its own four-point "policy for the operation of the schools during the 1955-56 school term." The policy, which was to remain in effect with only minor modifications until 1965, based the desegregation of schools on "freedom of choice."[64] The policy

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62. Ibid., p. 27.

63. "Plan for Desegregation," pp. 18-19.

64. The freedom of choice policy adopted by the Prince George's County Board of Education should not be confused with the freedom of choice desegregation plans authorized under the "guidelines" adopted under the Civil Rights Act of 1964. The latter plans incorporated elaborate precautions intended to help assure that a choice was truly free and not illusory. Plans developed prior to that act usually had elaborate requirements or obstacles that parents had to overcome before consideration was given to a request for enrollment of transfer. The Prince George's County plan had just such requirements.

stated:

> 3. No child will be denied the privilege of attending his nearest school or any school he wants to attend unless it is administratively not practical to admit the child because of overcrowded conditions, or other valid reasons.
>
> a. At the secondary level it will not be possible to give unlimited choice of schools because of already badly overcrowded conditions. However, cases of admission will be decided on their individual merit.
>
> 4. If a child desires to attend a school other than the one in which he is enrolled or registered, it will be necessary for the parent to request a transfer....Requests will be received from August 10th through August 26, 1955....
>
> a. While the Board has no intentions of compelling a pupil to attend a specific school or deny him the privilege of transferring to another school, the Board reserves the right during the period of transition to delay or deny the admission of a pupil to any school if it deems such action wise and necessary. All reasons for delay or denial of the request will be made known to the applicant.[65]

The first two points of the board's desegregation policy related to the instructional program and the operation of the transportation system, as follows:

> 1. The instructional program will be continued with its emphasis on the need

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[65] "Plan for Desegregation."

> for challenging the ability of the individual pupil. This implies a reduction of the teaching load in so far as possible to permit individual attention to the interest and abilities of the "gifted," the "average," and the "slow learner."
>
> 2. Transportation will be continued on the same basis as it is now being operated. Any adjustment in providing transportation to care for pupils who transfer from one school to another may be made at the discretion of the Supervisor of Transportation or the Superintendent of Schools.[66]

The board's policy statement had the effect of ratifying the continuance of segregated buses and segregated bus routes and did not offer any assurance to parents that necessary transportation would be provided if they transferred their children in accordance with the policy.

In adopting its four-point desegregation policy, the school board stated that it had "based its action on certain recommendations suggested by [the] Fact-Finding Committee...."[67] Comparison of the board's policy with the recommendations of the Fact-Finding Committee, however, reveals the hollowness of the board's assertion. Except for the statement about the instructional program, the board's policy was either unrelated or opposed to both the letter and the spirit of the committee's recommendations.

The school board ignored the committee's proposal that "the present policy of fixed school boundaries be continued, but on an integrated basis...."[68] Instead, the board retained the dual set of attendance boundaries that placed black and white students in separate schools.[69] The boundaries were racial rather than geographic in that black children were assigned to and had to enroll in a "Negro" school even if they lived closer to a "white" school.

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[66] Ibid., p. 20.

[67] Ibid.

The only change in the assignment system was the provision that, once a parent enrolled a child in the racially "appropriate" school, he could then request that his child be transferred to a closer school. Since a transfer was considered a privilege rather than a right, it naturally followed that the decision to grant a transfer request was "discretionary." In this way, the impetus and responsibility for desegregation was shifted from school authorities to parents. The board's policy sanctioned the school administration's efforts to perpetuate the segregated status quo and to desegregate only to the extent that individual parents demanded and persevered in securing transfers.

Furthermore, the board ignored the committee's recommendation that future building programs be "re-examined and revised" in its desegregation policy. The board's statement also made no allusion to the committee's proposal for a comprehensive program of education "in inter-group relations for all school

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68. "Fact-Finding Committee Report," p. 20.

69. Ibid.

personnel" and a well-organized community education program on desegregation. Finally, the board did not mention school staff in its policy pronouncement, despite the fact that the committee had recommended that "teachers and all other school personnel should be included in the program of desegregation."

THE 1955-56 SCHOOL YEAR

The Prince George's County Board of Education met on August 30, 1955, to consider the transfers requested by parents under the desegregation policy. Superintendent Schmidt informed the board that 93 applications for transfer had been received before the August 26 deadline, and a number had come in since then. All of the applications were made by black parents who wanted to enroll their children in formerly all-white schools. The board voted immediately to reject all applications received after the official deadline. The superintendent then explained that "five [of the 93 transfer requests received by the deadline] had been voluntarily withdrawn when staff members from the Department of Pupil Personnel visited [the students'] homes to discuss this matter."[70]

As a result of the board's action on transfers, 65 black

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70. PGC Board of Education, Minutes, Aug. 30, 1955. Although the board's policy adopted August 9 had provided that "no child will be denied the privilege of attending his nearest school or any school he wants to attend unless it is administratively not practical to admit the child because of overcrowded conditions or other valid reasons," the official minutes of the board's August 30 meeting indicate that children were not permitted to transfer to any school but only to a school that was closer to their home than the one to which they had originally been assigned.

students were enrolled in eight formerly all-white schools for the first time in September 1955.[71] Despite the fact that the board eliminated the official racial designation of schools, 96 of the county's 104 schools remained either all white or all black.[72] Moreover, only 1 percent of the county's black students was enrolled in schools that were formerly for whites only and no white student was enrolled in a "formerly" black school[73] (see table 2.3). Also, students were still transported to school on segregated buses.[74] While the professional meetings of principals and teachers were "to be conducted on a non-segregated basis," the assignment of principals and teachers to schools remained segregated.[75] Finally, the board of education purchased school sites and constructed new schools as it had in the past.

Despite the minimal impact of the Brown rulings on the operation of the system, the school administration undertook an evaluation of "the program of desegregation in the public schools of Prince George's County for the 1955-56 term." The evaluation--which was sent to State school officials, the county board of

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[71] "Report on Desegregation in Public Schools: September 30, 1955," Maryland State Department of Education form completed by the Prince George's County school system.

[72] Ibid.

[73] See table 2.3 and "Report of Schools."

[74] Unless otherwise indicated all quotations or facts noted were obtained in staff interviews during the pendency of the study, primarily in the period June-September 1973.

[75] "Report of Schools."

Table 2.3

RACIAL PROFILE OF SCHOOLS, 1955-56

Total student enrollment	49,977	
White	43,630	
Black	6,347	(12.6 percent)
Total black students in:		
"Desegregated" schools	65	(1 percent)
All-black schools	6,282	

All-Black Schools

1. Aquasco
2. Bladensburg (Varnum St.)
3. Brooks Road (Doswell E. Brooks)
4. Cedarville
5. Clinton Grove
6. Douglass (new)
7. Fairmont Heights
8. Highland Park
9. Holly Grove
10. Lakeland
11. Laurel (Laurel Grove)
12. Lincoln
13. Mitchellville
14. North Brentwood
15. Oak Grove
16. Ridgley Special
17. Sojourner Truth
18. Douglass Jr.-Sr. High
19. Fairmont Hts. Jr.-Sr.
20. Lakeland Jr. High
21. Lincoln Jr. High

Source: Statistics derived from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

education, and members of the Fact-Finding Committee--was based on responses to a questionnaire sent to principals and teachers in the eight schools where black students had been admitted for the first time.[76] The questionnaire devoted considerable attention to the attitudes and behavior of black students, although all of the respondents were white because of the total segregation of the school staffs.

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[76] PGC Superintendent of Schools, Memorandum to State Superintendent of Schools, the Board of Education of Prince George's County, and Members of the Fact Finding Committee, Part II: Evaluation of the program of desegregation in the public schools of Prince George's County as reported by administrative personnel.

Some responses to the questionnaire indicated that black children were sometimes treated differently or that their presence in certain formerly white schools brought about "adjustments" in school programs. In answer to the question, "Has the administration of your school differed in any respect this year with desegregation in effect?" the staffs of a majority of the schools responded negatively. Two of the schools reported, however, that they had eliminated or postponed certain curricular activities such as the dance section of the physical education course, or they had restricted their parent-school programs.[77]

Answers were diverse to the question, "What cautions would you offer to principals who will be operating desegregated schools for the first time?" One principal succinctly said, "Move slowly and make decisions carefully." Another advised:

> Accept it calmly and administer firmly. Make no concession to either group. Accept Negro parents and children as human beings with equal rights insofar as facilities and instruction, etc., are concerned and see that they get a fair deal.

At least two principals advised that social activities involving students or parents should be postponed.[78]

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[77] Ibid.

A majority of the answers were affirmative to the question, "Is there evidence that racial prejudice is diminishing among pupils; among teachers?"[79] These affirmative responses, however, contrasted sharply with the answer to a parallel question, "Would you say that the parents of the Negro pupils in your schools have been accepted in the school community?" While one school staff noted that a black mother was on the executive council of the PTA and another parent was in charge of subscriptions to the PTA magazine, the following responses were more typical. One principal said:

> They have not been accepted in a like manner to white parents. There seems to be a gap in social relations. There has been no resentment or anything to indicate a dislike for the colored parents, but there has been a definite "leave alone pattern" at the PTA meetings. This is true of both the whites and colored.

Another replied:

> They have been tolerated but not accepted. They come to PTA but have neither offered nor been asked to participate in any activities. A few white parents have refused to come to school or PTA since the Negro children entered. As a whole, the parents have been very broad-minded about the whole affair.[80]

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[78] Ibid., p. 1.

[79] Ibid., pp. 2-3.

[80] Ibid., p. 7.

A followup question as to whether the school assumed "any responsibility for working with the adults of the community in preparation for desegregation" was answered negatively by most schools. Lack of action was generally attributed either to inadequate preparation time or to a feeling that it was better "not to raise the issue."[81]

The general question "From your experience this year, limited though it be, have you discerned any significant differences between Negro and white pupils?" was followed by 24 categories to be considered. They covered such disparate areas as: "academic achievement," "energy output," "honesty," "personal cleanliness," "parental pressure," and "special talents." School personnel responded to most of the categories that there were no significant differences between white and black students. One staff member observed, "We feel that any comments or opinions that we expressed...would be fallacious due to the exceedingly small enrollment of Negro children in our school."[82]

THE 1956-57 SCHOOL YEAR

The second year of operation under the board of education's "freedom of choice" desgregation policy demonstrated little

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81. Ibid., p. 8.

82. Ibid., pp. 3-7.

change. A total of 155 black students (2.4 percent of the black student enrollment) was admitted to 17 previously all-white schools[83] (see table 2.4). No white students transferred to "black" schools, however, and faculties and schoolbuses remained segregated.[84]

In 1956-57, the impact and implications of the board's

Table 2.4

RACIAL PROFILE OF SCHOOLS, 1956-57

Total student enrollment	53,358	
White	46,827	
Black	6,531	(12.2 percent)
Total black students in:		
"Desegregated" schools	155	(2.4 percent)
All-black schools	6,376	

All-Black Schools

1. Beaver Heights
2. Bladensburg (Varnum St.)
3. Brooks Road (Doswell E. Brooks)
4. Clinton Grove
5. Douglass (new)
6. Fairmont Heights
7. Highland Park
8. Holly Grove
9. Lakeland
10. Laurel (Laurel Grove)
11. Lincoln
12. North Brentwood
13. Orme
14. Ridgley Special
15. Sojourner Truth
16. Tall Oaks
17. Douglass Jr.-Sr. High
18. Fairmont Hts. Jr.-Sr.
19. Lakeland Jr. High

Sourec: Statistics derived from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

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83. See table 2.4 and "Report of Schools."

84. Ibid.

school construction program on desegregation became manifest. School officials, following earlier plans, closed four small Negro elementary schools that had a total of 10 classrooms.[85] At the same time, they opened three new elementary schools, with a total of 30 classrooms, that accepted only Negro students.[86] A 20-classroom addition was also built for the all-black Fairmont Heights Junior-Senior High School.[87] Thus, 40 additional classrooms were built for all-black schools to which no white students were assigned or transferred in the second year of desegregation in Prince George's County.

The interrelated issues of student assignment and school construction were publicly raised on January 8, 1957, by a delegation representing the PTA of all-black Douglass Junior-Senior High School. The group appeared before the school board to voice concern about overcrowded conditions at the school. They requested immediate relief and proposed several measures to reduce the overcrowding, including: "a reassignment of children closer to their homes; a retention of the seventh grade in the elementary schools, if space is available; or a new secondary project."[88] The board responded that retention of the seventh

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85. "Report of Schools."

86. Beaver Heights, Orme, and Tall Oaks Elementary Schools were opened.

87. Statistics from "Report of Schools."

88. PGC Board of Education, Minutes, Jan. 8, 1957.

grade in the elementary schools would "probably lead to a restricted educational program and would be something strongly resented by the pupils involved." It indicated a willingness to consider construction of a new school after noting that "any reassignment of pupils would be a change in its present policy of desegregation."[89] Indeed, the board later authorized the construction of a new and larger facility that opened in 1959 for the Douglass students.[90]

The board's solution to the problem of overcrowding at Douglass underscored the limitations inherent in its approach to desegregation. It admitted that its desegregation policy precluded the assignment of black Douglass students to closer schools that previously were "for whites only" and then opened the new Douglass facility for all black students.[91]

THE 1957-58 SCHOOL YEAR

When the board of education met to establish its desegregation policy for the 1957-58 term in May 1957, the president of the Prince George's County chapter of the NAACP and a delegation of parents appeared at the meeting. Urging that the new policy statement outline steps to assure closer compliance with the mandate of Brown, the delegation pressed the board especially on the issues of teacher integration and desegregation of schoolbuses.[92] Despite the delegation's urging, the board passed a desegregation policy that was identical in all major respects to the policies of the previous 2 years.[93]

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[89] Ibid.

[90] "Report of Schools."

[91] Ibid.

When school opened in September 1957, 214 black students (3.1 percent of all black students) were enrolled in 17 "desegregated" schools and no white student attended a "Negro" school.[94] (See table 2.5.) Faculties and schoolbuses also remained totally segregated.[95] Nevertheless, black parents, civic leaders, and educators persistently called upon the board to implement the 1955 recommendation of the Fact-Finding Committee that "teachers and all other school personnel be included in the program of desegregation."[96]

The posture of the school administration toward faculty

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[92] PGC Board of Education, Minutes, May 14, 1957.

[93] PGC Board of Education, Resolution 175-57, adopted at May 14, 1957, meeting.

[94] Although official school statistics indicate that no white children attended black schools in the 1957-58 school year ("Report of Schools"), a Jan. 24, 1962, school system document, "Reply to the Point-by-point Summary of the Board's Position on Desegregation of Schools," prepared by the Prince George's Citizens Education Committee, states that one white child enrolled in a black school in 1957-58 and continued there for 1 year. At the beginning of the 1957-58 term, the all-black Varnum Street Elementary School, a two-room facility, was closed and its students were reassigned. "Report of Schools."

[95] Statistics from "Report of Schools."

[96] "Fact-Finding Committee Report," p. 26.

Table 2.5

RACIAL PROFILE OF SCHOOLS, 1957-58

Total student enrollment	57,225	
White	50,349	
Black	6,876	(12.0 percent)
Total black students in:		
"Desegregated" schools	214	(3.1 percent)
All-black schools	6,662	

All-Black Schools

1. Beaver Heights
2. Brooks Road (Doswell E. Brooks)
3. Clinton Grove
4. Douglass (new)
5. Fairmont Heights
6. Highland Park
7. Holly Grove
8. Lakeland
9. Laurel (Laurel Grove)
10. Lincoln
11. North Brentwood
12. Orme
13. Ridgley Special
14. Sojourner Truth
15. Tall Oaks
16. Douglass Jr.-Sr. High
17. Fairmont Hts. Jr.-Sr.
18. Lakeland Jr. High

Source: Statistics derived from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

desegregation is revealed in the official minutes of the board's November 12, 1957, meeting:

> The Superintendent reported to the Board his attendance at a meeting of Negro principals at which time he had been asked two specific questions; "When would the integration of teachers occur?" and whether or not his appointments to the Central Office Professional Staff were made on the basis of race. The superintendent indicated that he was not asking the Board to act on either of these questions but felt the Board should be aware of the implications implied in the questions.

Despite the growing pressure for further desegregation, no action was proposed by the superintendent or adopted by the board on faculty or staff desegregation. The result was that, despite 3 years' operation under a desegregation policy, faculties remained completely segregated.[97]

FALL 1958 THROUGH SPRING 1961

The progress of desegregation in Prince George's County from the beginning of the 1958-59 through the 1960-61 school terms could be characterized as stable at best and snail-like at worst. In 1958-59,[98] 21 schools enrolled black and white students; in 1959-60,[99] 26; and in 1960-61,[100] 30. Only 3.3 percent of black students attended "desegregated" schools in 1958-59; 3.4 percent, the following year; and 4.3 percent, in 1960-61.[101] (See tables 2.6-2.8.) In 1960-61, 107 of the county's 137 schools remained one-race schools, and 19 of the one-race schools were all black.[102]

The persistent segregation of students in the county was reinforced by the construction of new, all-black schools and

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[97] Statistics from "Report of Schools."

[98] Ibid.

[99] Ibid.

[100] Ibid.

[101] Ibid.

[102] Ibid.

Table 2.6

RACIAL PROFILE OF SCHOOLS, 1958-59

Total student enrollment	61,046	
White	53,838	
Black	7,208	(11.8 percent)
Total black students in:		
"Desegregated" schools	241	(3.3 percent)
All-black schools	6,967	

All-Black Schools

1. Beaver Heights
2. Brooks Road (Doswell E. Brooks)
3. Clinton Grove
4. Douglass (new)
5. Fairmont Heights
6. Highland Park
7. Holly Grove
8. Lakeland
9. Laurel (Laurel Grove)
10. Lincoln
11. North Brentwood
12. Orme
13. Ridgley Special
14. Sojourner Truth
15. Tall Oaks
16. Douglass Jr.-Sr. High
17. Fairmont Hts. Jr.-Sr.
18. Lakeland Jr. High

Source: Statistics derived from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

Table 2.7

RACIAL PROFILE OF SCHOOLS, 1959-60

Total student enrollment	65,298	
White	57,692	
Black	7,606	(11.6 percent)
Total black students in:		
"Desegregated" schools	255	(3.4 percent)
All-black schools	7,351	

All-Black Schools

1. Beaver Heights
2. Brooks Road (Doswell E. Brooks)
3. Clinton Grove
4. Douglass (new)
5. Fairmont Heights
6. Highland Park
7. Holly Grove
8. Lakeland
9. Laurel (Laurel Grove)
10. Lincoln
11. North Brentwood
12. Orme
13. Ridgley Special
14. Sojourner Truth
15. Tall Oaks
16. Fairmont Hts. Jr.-Sr.
17. Douglass Jr.-Sr. High
18. Lakeland Jr. High

Source: Statisticts derived from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

Table 2.8

RACIAL PROFILE OF SCHOOLS, 1960-61

Total student enrollment	69,630	
White	61,626	
Black	8,004	(11.4 percent)
Total black students in:		
"Desegregated" schools	346	(4.3 percent)
All-black schools	7,658	

All-Black Schools

1. Beaver Heights
2. Brooks Road (Doswell E. Brooks)
3. Clinton Grove
4. Douglass (new)
5. Fairmont Heights
6. Glenarden Woods
7. Highland Park
8. Holly Grove
9. Lakeland
10. Laurel (Laurel Grove)
11. Lincoln
12. North Brentwood
13. Orme
14. Ridgley Special
15. Sojourner Truth
16. Tall Oaks
17. Fairmont Hts. Jr.-Sr.
18. Douglass Jr.-Sr. High
19. Lakeland Jr. High

Source: Statistics derived from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

additions to existing, all-black facilities. During the period from 1958 to 1961, one new, all-black school was opened with 10 rooms, and a new all-black Frederick Douglass Junior-Senior High School with 38 rooms replaced the old Douglass school that had had 25 rooms.[103] Five all-black elementary schools also received a total of 20 additional rooms in this same period.[104]

INTENSIFIED EFFORTS

Over the next several years, black parents and civic leaders intensified their efforts to secure the school board's compliance with the Supreme Court's mandate to desegregate. In so doing, these citizens challenged the inherent ineffectiveness and inequality of "freedom of choice."

On July 5, 1961, a group of black citizens (who were later to form the Prince George's Citizens Education Committee) appeared before the school board to protest the proposed transfer of black students in September 1962 from Lakeland Junior High School to its replacement, Mary Bethune Junior High School. The citizens foresaw that Mary Bethune would be an all-black school and criticized the proposed student transfer as another action calculated to confine the largest possible number of black

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103. Ibid.

104. The five schools were Highland Park (6, 1958): Beaver Heights (6, 1959); Doswell E. Brooks (4, 1959); Douglass (2, 1959); and Orme Elementary School (2, 1959). Ibid.

students to all-black schools. The group argued that "the application for transfer should be done away with entirely and that the boundaries should be drawn so that all children would attend the school nearest them." The board responded that it would "study their requests."[105]

At the same time, a storm was in the making over an enrollment application made by Dervey Lomax, a Negro parent, on behalf of his son Gregory for the 1961-62 school year.[106] Two years previously, Gregory had attended the Cooperative Kindergarten, a private, integrated preschool housed in the Beltsville Elementary School.[107] In the summer of 1960, Mrs. Lomax submitted an application to the board of education to enroll her son in the first grade of the Beltsville Elementary School, which was approximately 97 percent white at the time. The application was denied on the basis that Gregory did not live in the area served by the school and that the closest school to his home was the all-black Lakeland Elementary School. Because their application was denied the Lomaxes did not enroll Gregory in the Prince George's public schools for the 1960-61 term, obtaining private tutoring for him instead.

In the summer of 1961, Mr. Lomax submitted an application for Gregory to attend the predominantly white Seat Pleasant Elementary School. He stated that he wanted his child to go to an integrated school as the reason for the requested enrollment. He also said that he was not requesting schoolbus service for his son but would provide private transportation to the school if the enrollment were approved.

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[105] PGC Board of Education, Minutes, July 5, 1961.

[106] PGC Superintendent of Schools, Memorandum to Members, State Board of Education, on Background Material on Appeal of Dervey Lomax on Behalf of his Son Gregory Lomax, Sept. 12, 1961, p. 5.

[107] Ibid.

The school administration denied his request on the basis that he lived in an area served by the Lakeland Elementary School. Mr. Lomax immediately requested a hearing before the board of education at its next monthly meeting.

At the August 8 board hearing, Mr. Lomax reiterated that his primary motive in requesting that his son be enrolled in the Seat Pleasant Elementary School was that "Gregory attend an integrated school." He also documented the substandard condition of Lakeland's physical plant, noting some of the potential health and safety problems involved. Finally, in response to the argument that he lived within sight of the Lakeland School, he pointed out that the main line of the Baltimore and Ohio Railroad separated his property from the school and again stated his willingness to provide transportation for Gregory to the Seat Pleasant School.

The board was then briefed by its attorney on the legal implications of the requested enrollment. An official summary of the Lomax case prepared by Superintendent Schmidt states:

> At the Board meeting the Board attorney advised the Board that the granting of this petition would in effect

> acknowledge the existence of two types of school systems, namely, a segregated system and an integrated system, the former system having been held to be unconstitutional by the Supreme Court of the United States. The present transfer request appearing to be based solely on the applicant's parents wishing him to attend an integrated school.[108]

The board then voted to sustain the superintendent's ruling and denied Mr. Lomax's enrollment application.

Mr. Lomax, represented by an NAACP attorney, petitioned the State board of education for a hearing on the enrollment denial and the request was granted. The attorney argued before the State board that Superintendent Schmidt's action in denying the enrollment request was "arbitrary, unreasonable and capricious" and deprived the "the applicant and his son of their Constitutional rights guaranteed by the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the U.S. Constitution."

The school system based its case upon its desegregation policy and argued at the hearing that to grant admission of Gregory to a school other than Lakeland would be to acknowledge the existence of an unconstitutional, dual school system.[109] While the hearings were still underway, however, the local board compromised and admitted Gregory Lomax to the heretofore all-white College Park Elementary School. A cryptic entry in the minutes of the next meeting of the local board lends perspective to the Lomax controversy.

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[108] Ibid., p. 2.

[109] Ibid.

> Messrs. Nussbaum [the Board attorney] and Beatty [President] of the Board of [Education] reported on the hearing of the Lomax case at the State Department of Education. They felt as though the Superintendent and the Board policy had been on trial rather than the Lomax case. Permission was given for the boy to attend the College Park School rather than Lakeland.[110]

In the course of the appeal, Mr. Lomax pointed out that white children living in the area of the Lakeland School were assigned under the separate racial attendance districts to a more distant school that was reserved for whites. Thus, in 1961, students were assigned to county schools on the same basis they had been before the Brown decision--race rather than location. Location, or the distance between home and school, was invoked by the school system only as a criterion to restrict desegregation and deny the "freedom of choice" transfer requests of some black parents.[111]

Although the implications of the Lomax settlement were clear to both the school board's attorney and to the press, the Prince George's County Board of Education, nevertheless, failed to use the case as an opportunity to reform its student assignment policy. Thus, while Mr. and Mrs. Lomax were successful in

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110. PGC Board of Education, Minutes, Oct. 10, 1971.

111. Ibid.

vindicating their child's constitutionally-protected right to attend a desegregated school, the rights of other black county children continued to be violated.

THE 1961-62 SCHOOL YEAR

When school opened in September 1961, 5.1 percent of the total black student population of Prince George's County was enrolled in 36 "desegregated" schools.[112] (See table 2.9.)

Table 2.9

RACIAL PROFILE OF SCHOOLS, 1961-62

Total student enrollment	74,951	
White	66,535	
Black	8,416	(11.2 percent)
Total black students in:		
"Desegregated" schools	432	(5.1 percent)
All-black schools	7,984	

All-Black Schools

1. Beaver Heights
2. Brooks Road (Doswell E. Brooks)
3. Clinton Grove
4. Douglass (new)
5. Fairmont Heights
6. Glenarden Woods
7. Highland Park
8. Holly Grove
9. Lakeland
10. Laurel (Laurel Grove)
11. Lincoln
12. North Brentwood
13. Orme
14. Ridgley Special
15. Sojourner Truth
16. Tall Oaks
17. Fairmont Hts. Jr.-Sr.
18. Douglass Jr.-Sr. High
19. Lakeland Jr. High
20. Bethune Jr. High

Source: Statistics from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

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[112] Statistics from "Report of Schools."

Nineteen of the remaining 106 public schools were all black and 87 were all white.[113] The new, all-black Mary Bethune Junior High School, alone, enrolled nearly twice as many black students than attended all 36 of the "desegregated" schools.[114] As in previous years, faculties and schoolbuses were totally segregated.[115]

On November 24, 1961, the same group of black citizens who led the protest against the transfer of the Lakeland students to Mary Bethune Junior High School sent a letter to the school board.[116] The letter, signed by approximately 500 county residents, contained a statement of grievances resulting from the board's policy of freedom of choice and a demand that a mandatory pupil and teacher assignment desegregation plan be implemented. The statement of grievances was the most complete one formulated to date. The essential points were:

> 1. Negro citizens are required--and white citizens are not--to follow a procedure of application and allowance in order to have their children attend the school nearest their homes--if that school is predominantly white. While this unequal treatment is patently unconstitutional because it is patently discriminatory, it is also doubly illegal because it is substantially burdensome.

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113. Ibid.

114. Ibid.

115. Ibid.

116. Nov. 24, 1961, letter to the PGC Board of Education.

> 2. The unequal and unconstitutional burdent on Negro citizens is further aggravated by the system of "feeder" schools, from which the Negro citizen can escape, if at all, only by the expenditure of this considerable time and effort. All...Negro elementary schools "feed" to [Negro] secondary schools. That another secondary school is nearer the home of the Negro child is not taken into account, unless the Negro citizen is able to undertake and carry out successfully the "application" procedure.
>
> 3. The Board has pursued the policy of constructing new schools in such a way as to perpetuate, rather than eliminate, the pattern of segregation.
>
> 4. Maintaining this system of segregation, rather than the system which would have all children attending the school nearest their homes, results in vastly inflated transportation costs. ...Negro students are consistently transported longer distances, at greater expense. There is, of course, the added inequality--that Negro students must bear the greater burden of travel which the white students avoid.
>
> 5. The pattern of continued segregation of students is paralleled among the teaching staff. No Negro teacher in the County teaches in other than a Negro school. There is here, however, not even a system of application by which a Negro teacher can apply for transfer to a "white" school.[117]

The signatories stated that they:

> Respectfully but firmly now demand:
>
> 1. That beginning with the 1962-63 school year all students be assigned to

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[117] Ibid., p. 1. (Points made in the letter have been renumbered.)

> the school nearest their residence after taking into account only the capacity of the schools and socially irrelevant facts, such as the need of the child to receive special educational opportunities which may be unavailable at the nearest school.
>
> 2. That as a part of this plan of desegregation you abolish the requirement that Negro students must apply for permission to attend any school other than an all-Negro school.
>
> 3. That within 30 days you advise us that you will accomplish desegregation--of both students and faculty--beginning next year. We do not expect, of course, that you will have worked out all of the details in 30 days, but will proceed with the plans immediately.[118]

The school board responded to the letter by inviting representatives of the signatories to appear before the board at its next meeting on January 9, 1962.[119]

Jesse Warr represented the signatories at that meeting. He began his statement by noting:

> Since the petition posed specific requests, we appear with the expectation that the Board is prepared today to respond to those requests. The nature of our requests is not unfamiliar to those who are present today. Various members of our group have appeared before the Board on three previous occasions, and have exchanged correspondence with the Board, over the period since July, 1961. The subject of our concern has also been brought to the

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[118] Ibid., p. 2.

[119] PGC Board of Education, Minutes, Jan. 9, 1962.

> attention of the State Board of Education....[120]

Mr. Warr then reiterated his group's complaints about the freedom of choice desegregation policy and restated the demand that all students be assigned to schools on the basis of nonracial, geographic attendance zones in September 1962. Finally, he asked the board to "eliminate racial considerations in the assignment of teachers by September 1962." The board did not respond to the demands at the meeting but advised the delegation that it would reply by February 15.[121]

At the same January meeting, the board received a report from the "Committee to Review Progress of Desegregation," which it had established in May 1961. This committee was composed of five high-ranking school administrators, all of whom were white.[122] The committee commended "the steady and positive progress...made since the original [desegregation] policy statement was issued" and defended both the policy and operation of freedom of choice.[123] The committee then recommended:

> 1. That the Superintendent appoint to his staff a professional employee to carry out statistical studies on the

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[120] Jesse Warr, Jr., "Statement Before the Board of Education of Prince George's County, Maryland, Regarding Desegregation of the County School System," Jan. 9, 1962, p. 1.

[121] PGC Board of Education, Minutes, Jan. 9, 1962.

[122] Ibid.

[123] Committee to Review Progress of Desegregation, Memorandum to PGC Superintendent of Schools, "Report and Recommendations in Reference to Progress of Desegregation," Jan. 5, 1962, p. 2.

> effect of forced integration. This is not a recommendation suggesting that compulsory integration be put into effect rather that a complete study be made of the effect of establishing attendance areas without choice prior to reaching a decision in reference to this question.
>
> 2. That in view of stated feeling by certain laymen that the mere existence of two sets of maps was considered discriminatory, consideration be given to abolishing the set of maps applicable to the negro [sic] schools.
>
> 3. That following the statistical studies in relation to the foregoing two statements, the data collected, the policy statements, and the statistical studies be made available to a bi-racial committee. The purpose of this committee to be to make recommendations to the Superintendent and the Board of Education regarding any changes to be made in the present statement of policy.[124]

The board of education immediately approved the report and the recommendations.[125]

On January 30, 1962, the State board of education issued a new policy statement, "Respecting Desegregation in the Public Schools of Maryland," its first such statement since 1955.[126] The State board reaffirmed its previous policy pronouncements, but it directed all local school boards to take additional

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124. Ibid.

125. PGC Board of Education, Minutes, Jan. 9, 1962.

126. "Policy of the State Board of Education Respecting Desegregation in the Public Schools of Maryland--A Statement" (Jan. 30, 1962).

actions to:

> 1. resurvey the current status of desegregation;
>
> 2. revise according to need present desegregation policies and practices; and
>
> 3. confer with local biracial citizens' committees in carrying out both of these tasks.[127]

The State board also listed desegregation principles that local boards of education should follow, three of which were especially significant:

> (c) To guarantee that procedures respecting transfer, bus transportation, and assignment shall apply without regard to race.
>
> (f) To provide that educational programs and facilities be the sole determining factors in the enrollment of pupils.
>
> (h) To provide that all future educational programs be made in the expectation of and in the furtherance of desegregated schools.[128]

The State board then said that "the principles set forth in subsections (c) and (f) may be approached 'with all deliberate speed,'" but cautioned that "any delay in the full implementation of this policy statement take place only where a policy is in effect for ultimate full complaince with the Supreme Court's decree at the earliest practicable date."[129]

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[127] Ibid., p. 5

[128] Ibid.

The Prince George's County school board announced its desegregation policy for the 1962-63 school term on February 13, 1962.[130] This 15-point policy was a reaffirmation and elaboration of the previous policy of freedom of choice.[131] Despite its repeated use of the phrase "without regard to race," the board did not alter the basic system of student and teacher assignments. The board's policy, therefore, was a negative response to the earlier demands that students be assigned on a nonracial basis.

Under the board's policy, students in September 1962 would be assigned to schools as they were before and would be allowed to transfer "to another school, if the school in which the pupil is already enrolled is farther away from the home of the pupil than the school to which the pupil wishes to go."[132] Points 14 and 15 of the policy statement provide the racial context for this system of assignment and "permissive" transfer, as follows:

> 14. The Board of Education of Prince George's County, within the framework of its policy of "freedom of choice," will continue to respect the wishes of the parents of those children who are of a race which is in the minority at any

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129. Ibid.

130. PGC Board of Education, Minutes, Feb. 13, 1962.

131. Untitled, undated policy statement.

132. Ibid., p. 2.

> given school and will endeavor not to maintain such children in such a school or transfer them to a school where such factors may exist, unless the parents of the child specifically desire the continued enrollment in the school or transfer to another school.
>
> 15. The Board of Education of Prince George's County, within the framework of its policy of "freedom of choice," will not prevent any child from being enrolled in a given school or transferring to another school within the limitations of the policies set forth in the above paragraphs if the parents of such a child specifically desire their child to attend a school where the child is of a race which is in the minority.[133]

Point 14 seemed to provide generally for the segregated assignment of students, since the board assured parents that it would not keep children in a school where they were in the racial minority. The effect of point 15 was to permit desegregation to the extent that it was demanded by individual parents and the parental demand conformed to administrative guidelines and policies.

In regard to teacher assignment, the board stated:

> 6. The Board of Education of Prince George's County has no policy of segregating teachers and accordingly advises its staff to assign teachers without regard to race, keeping in mind, however, at

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[133] Ibid., p. 3.

> all times that teacher assignments are to be made in accordance with established academic stadards which take the teacher's qualifications, wishes, and benefit to students in view.[134]

While the board pledged to be "colorblind" in assigning teachers, it also promised to take into account subjective factors such as the "wishes" of teachers. Whether this policy that promised nondiscrimination in teacher assignment would result in faculty desegregation was a question that time would answer.

This 1962 policy was challenged on February 23, 1962, by the Prince George's Citizens Education Committee[135] and the better education committee of the Prince George's County NAACP. The committees cosigned a letter to the State board of education requesting a prompt hearing on the policy, alleging that the county "continues to operate a dual system of racially differentiated schools and to make assignments of pupils and teachers on racial grounds." They argued that the policy did not meet the requirements of the State's educational policy statement of January 30, 1962, or the earlier policies adopted by the State board in 1954 and 1955.[136]

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[134] Ibid., p. 2.

[135] The Prince George's Citizens Education Committee was formed by the same group of black citizens who led the protest against the transfer of the Lakeland students to Mary Bethune Junior High School on July 5, 1961.

[136] Jesse J. Warr, Jr., and others, letter to Maryland State Board of Education, Feb. 23, 1962.

After the committees submitted several lengthy memoranda on the facts and legal issues involved in the dispute, the State board scheduled a hearing for June 19, 1962. On June 5, however, at the request of the county board of education, the State board granted a postponement of the hearing "to give additional counsel employed by...[the county] Board opportunity to study the facts in the case...."[137]

THE 1962-63 SCHOOL YEAR

The hearing still had not been rescheduled at the start of the 1962-63 school term in September, and the board was still operating under its disputed desegregation policy. School officials listed 54 of the system's 148 schools as "desegregated," yet only 8.7 percent of the total black student enrollment attended these schools. More significantly, 8,088 black students attended 18 all-black schools, and only 2 white students attended a "black" school in the county.[138] (See table 2.10.)

This school term, however, was the first year in which black teachers in Prince George's County were assigned to schools that were not all black.[139] Nevertheless, the first year of faculty

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[137] Jerome Frampton, Jr., President, Maryland State Board of Education, telegram to W. Carroll Beatty, President, PGC Board of Education, June 5, 1962.

[138] Statistics from "Report of Schools."

[139] "Plan for Desegregation," p. 7.

Table 2.10

RACIAL PROFILE OF SCHOOLS, 1962-63

Total student enrollment	81,938	
White	73,079	
Black	8,859	
Total black students in:		
"Desegregated" schools	771	(8.7 percent)
All-black schools	8,088	

All-Black Schools

1. Beaver Heights
2. Brooks Road (Doswell E. Brooks)
3. Clinton Grove
4. Douglass (new)
5. Fairmont Heights
6. Glenarden Woods
7. Highland Park
8. Holly Grove
9. Lakeland
10. Laurel (Laurel Grove)
11. Lincoln
12. North Brentwood
13. Orme
14. Ridgley Special
15. Sojourner Truth
16. Tall Oaks
17. Fairmont Hts. Jr.-Sr.
18. Douglass Jr. High
19. Bethune Jr. High

Source: Statistics from Prince George's Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

"desegregation" affected only seven black teachers, and no white teachers were assigned to black schools.

On October 5, 1962, the attorney for the Prince George's Citizens Education Committee wrote to the State superintendent of schools requesting that the State board of education hearing be rescheduled. The attorney pointed out:

> Inasmuch as the postponement of the hearing at the County Board's request allowed the County Board to start yet another school year without acting upon the Committee's request, it does not seem unreasonable to ask that the

> hearing be held sufficiently early so that changes could still be made at the start of the Spring school term, in the event the State Board determines that changes are required.[140]

The State board still did not reschedule the hearing immediately. Efforts made by the Prince George's Citizens Education Committee to secure documents and dates relevant to the pending hearing met with little success. On November 15, the attorney for the county board of education requested the State board by letter not to reschedule the hearing until it had furnished him with an explanation of the basis of its jurisdiction to hear and resolve the disputes.[141] Upon receiving a copy of this letter, the attorney for the Citizens Education Committee again requested a hearing. He stated in his letter to the president of the State board:

> It is now sixteen months since members of the Prince George's Citizens Education Committee first presented their requests to the County Board. It is nine months since the Committee first requested a hearing by the State board. It is five months since that hearing, granted by the State Board was postponed to allow the County Board to retain new counsel. It is a month and a half since the Committee formally requested that the hearing be scheduled again. We are now half way through the school term, and if the hearing is not set soon, the commencement of still another term will

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[140] David B. Isbell, Attorney, Prince George's Citizens Education Committee, letter to Thomas Pullen, Jr., Maryland State Superintendent of Schools, Oct. 5, 1962.

[141] H. Vernon Eney, letter to Jerome Frampton, Jr., President, Maryland State Board of Education, Nov. 15, 1962.

> pass before any change is made in the operation of the county schools. Our request that the hearing be rescheduled is, for these reasons, an urgent one.[142]

The State board scheduled the hearing for December 18, 1962.[143]

The State board held the hearing on that date but did not release its statement of findings in the dispute until April 6, 1963. The board then released a statement that did not even mention the specific charges made by the Citizens Education Committee.[144]

The State board determined that the only issue before it was whether the policies and practices of the Prince George's County school system were consistent with policies of the State of Maryland. The board then stated:

> At the very outset, the State Board unanimously wishes to make it clear that it considers that the County Board of Education and the County Superintendent have moved ahead in the desegregation of the public schools of the County. It is apparent that the policies of the County Board...are a sincere and definite attempt to provide freedom of choice in school attendance for all children regardless of race. The State Board is also convinced of the sincere efforts of the County Superintendent to implement the policies of the County Board in a fair and impartial manner. The State

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[142] David B. Isbell, Attorney, Prince George's Citizens Education Committee, letter to Jerome Frampton, Jr., President, Maryland State Board of Education, Nov. 17, 1962.

[143] Maryland State Board of Education, "Statement in the Matter of the Petition of the Prince George's Citizens Education Committee," Apr. 3, 1963.

[144] Ibid.

> Board, therefore, would like to commend both the County Board and the County Superintendent for the progress they have made in this field.[145]

Despite this blanket commendation, however, the State board admitted that it had "certain questions" about the practices of desegregation under county policy. It stated: "Possibly some of the State Board's questions arise because of the language of the policy of the Prince George's County Board and because the testimony in the hearing in some instances indicated practices, regardless of intent, at possible variance with policies."[146] The State board's questions concerned four basic areas: "assignment," "districting," "transportation," and "school building." It is noteworthy that after the formal hearing the State board deemed it appropriate to raise questions instead of answering the questions raised by the petitioners. The board's questions are equally noteworthy. Concerning "assignment," the State board wrote:

> It would appear from the language of the policy statement that the policies call for an unrestricted freedom of choice in respect to schools for all children regardless of race, except where the school to which transfer is requested is or would become overcrowded by an uncontrolled influx of pupils. If this be true, does real freedom of choice exist as stated in the policy, or are children actually initially registered at a particular school and is transfer to another school possible only after

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145. Ibid., p. 2.

146. Ibid.

> complying with procedures not found in the County policy statement?[147]

Thus, while the State board upheld the county's freedom of choice policy, it questioned whether the practices of the county school system conformed to its stated policy. This question had been raised by the petitioners who sought a definitive ruling from the State board.

In regard to "districting," the report stated:

> If the County is districted for attendance or transportation purposes, there cannot be any "open spaces;" that is to say, areas left out and off to themselves in which children are a part of no clearly defined attendance area, except during a transition period.[148]

The petitioners had alleged that the county, in effect, used two sets of attendance districts in assigning white and black students to separate schools. They sought to have all students assigned to the nearest school on the basis of new, compact, and contiguous geographic zones.[149] The State board, however, did not pass judgment on the state of the county's attendance districts or the need to draw new districts. The State board laid down a general rule and broad exception concerning the manner in which attendance and transportation districts should be drawn.

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147. Ibid.

148. Ibid., p. 3.

149. Ibid., p. 4.

The board's remarks on transportation also touched upon assignment and districting. It wrote:

> It would appear that three Negro high schools (one a junior high) and a number of elementary schools, either entirely or predominantly Negro, continue to exist and to which children are transported. It would appear also that some of the buses running to these schools travel a considerable distance (which may be the case also in respect to some buses transporting all white children), and it is also understood that some of these buses serve areas that are closer to other schools, predominantly white. The State Board has been given to understand that this practice is merely a continuation of a long-established policy and that the arrangement gradually is being eliminated as Negro children by choice go to other schools. ...However, the Board would find fault with the situation of new and additional bus transportation, either by the establishment of new bus routes or the addition of buses or bus runs on old routes, were offered a Negro child to go to a Negro school of his choice although a white child is denied transportation to a distant white school. This is discrimination in reverse!
>
> ...the Board's chief concern here is that transportation not be extended for Negro children in a manner different from that for white children. It believes that such is not the case, but the policy statement of the County Board and the testimony of the Superintendent leave some doubt.[150]

While the board prohibited the extension of segregation through official acts, it did not grant the petitioners' request that the county board be ordered to halt segregatory practices in assignment and transportation. In fact, the board actually sanctioned the existing segregation: It upheld as "merely a continuation of a long-established policy" the continued assignment and transportation of children to sometimes distant, one-race schools rather than to closer schools where their enrollment would bring about desegregation. Finally, the State board's argument of "discrimination in reverse" in reference to the provision of transportation is ironic.

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[150] Ibid.

The State board accepted the county's policy to "continue to build schools as and where they are needed without regard to racial distribution," but added this clarification:

> We understand this to mean, inter alia, that no new classrooms will be provided as an addition to a predominantly Negro school as long as such addition would not be required if the transition policies with regard to transportation were discontinued in this attendance area.[151]

After again commending the county board and superintendent for their desegregation "efforts," the State board concluded its report as follows:

> It is suggested that the County Superintendent provide a clear public statement outlining the procedures in effect to implement and carry forth the policies of the County Board in the following specific areas:

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[151] Ibid.

> 1. The initial registration of students
>   a. At the nearest school.
>   b. At a school other than the nearest school.
>
> 2. The transfer of students to another school.
>
> 3. The providing of transitional bus transportation, in accordance with the County's stated policy, for pupils now living in the areas not part of any clearly defined district or attendance area.
>
> 4. The providing of bus transportation for Negro children to attend Negro schools distant from their homes.
>
> It should be pointed out that, although it is recognized that the desegregation of the schools of Prince George's County is still in a transition period, it is also clear that a transition by definition is a temporary state. Transitional policies should be terminated at the earliest practicable date.[152]

This anticlimactic and inconclusive ruling sanctioned segregatory practices as long as they were "transitional" and, at the same time, ordered that desegregation be accomplished at an elusive "earliest practicable date." The State board voiced unqualified support for the county's desegregation program but also raised serious questions about the county's approach to desegregation.

Although disappointed with the State board's hearing, the Citizens Education Committee attempted to use its report to compel the county school system to clarify and modify certain aspects of its desegregation program. On April 10, 1963, the committee's attorney wrote to Superintendent Schmidt requesting that the "clear public statement" of policies and procedures "suggested" by the State board be issued. The attorney said that, despite the board's ruling, his clients believed that their requests "correspond to what the law requires" and were "considering whether to take their petition to a more authoritative forum."[153] The superintendent referred the letter to a continuing biracial staff committee authorized to study desegregation problems.[154]

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[152] Ibid., p. 4.

Shortly thereafter, the school system took some steps to publicize its desegregation policies. Through newspaper advertisements notifying parents of the registration dates for preschool children, it urged all parents to enroll their children in the nearest school for the 1963-64 term.[155] The administration also circulated a bulletin to all schools, noting in it that it had sent a letter "...designed primarily for Negro parents in order that they might know completely the Board's policy on desegregation." According to the bulletin, "Schools in which Negro pupils constituted the sole enrollment or the major portion of the enrollment received sufficient copies to be taken to their individual homes."[156]

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[153] David B. Isbell, Attorney, Prince George's Citizens Education Committee, letter to William S. Schmidt, PGC Superintendent of Schools, Apr. 10, 1963.

[154] William S. Schmidt, PGC Superintendent of Schools, letter to David B. Isbell, Attorney, Prince George's Citizens Education Committee, Apr. 26, 1963.

[155] As noted in, PGC Superintendent of Schools, Office Bulletin No. 121, to All Principals, "Further Explanation of the Board's Policy on Desegregation," June 24, 1963, p. 1.

The letter explained that all children enrolling in school for the first time were urged to enroll at the nearest school but could enroll at some other school with the permission of the superintendent. Pupils completing the sixth or ninth grades "need only inform their principal" of the junior or senior high school "to which they wish their school records transferred." All other pupils already enrolled in a school could submit a request for transfer to the superintendent during the June 1 to August 30 application period.[157]

The school bulletin also reiterated that "there has been no major change in the Board of Education policy regarding desegregation," and then explained salient provisions of the policy.[158]

On August 13, 1963, the superintendent sent a memorandum to members of the school board on the board's policy of desegregation that bore a handwritten notation, "Confidential--For Discussion Only!" The memorandum was to provide the decisionmaking context for the board when it adopted its desegregation policy on August 20 for the coming school term.

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[156] Ibid.

[157] Ibid.

[158] Ibid.

The superintendent explained in his memorandum that he had met with a group of seven staff persons "to consider the alternatives to the present policy of desegregation which was adopted in Fetraury, 1962." He continued:

> After considerable discussion the following suggestions are offered without regard to preference or recommendation:
>
> 1. Redistrict the entire county purely on the basis of school facilities available...
>
> 2. Establish an integration system based on quotas.
>
> 3. Set up a system of gradual forced integration based on several different methods:
>
>   (a) Building Program
>   As new buildings are completed and included in the school system, determine attendance areas for the new school and insist that all children in the given area attend that school.
>
>   (b) Revamping or Revision of Bus Routes
>   This method is in a way tied to - (a). Example--with the completion of the new Laurel Senior High School--transportation to Fairmont Heights Senior High could be terminated by September 1966; or transportation to Bethune Junior High from Laurel could be eliminated by September, 1965....
>
>   (c) Forced Integration on a Grade-wide basis

> Insist on all pupils attending closest school. Example:
> Grades 1 and 7 by September '64
> Grades 1, 2, 7, 8 by September '65
> Grades 1 through 12 by September '69
>
> 4. Establish a program of forced integration setting deadline for specific or individual schools.[159]

The rest of the superintendent's memorandum dealt with recommendations for four minor modifications of the February 1962 desegregation policy statement. He proposed that items 10 and 11 of the statement be modified (additions underlined) as follows:

> 10. The Board of Education instructs the Superintendent of Schools to permit transfers of pupils in all cases without regard to racial factors, subject only to:
>
> (a) Adequacy of educational facilities and programs and
> (b) factors of personal health and social adjustment.
>
> 11. The Board of Education of Prince George's County hereby authorizes and directs its Superintendent of Schools to keep a continuing committee composed of members of the staff and lay persons, the purpose of which committee shall be at all times to study the problems of desegregation and to ensure that the Board's policies as set forth in the above paragraphs are carried out by members of the staff, principals, and teachers and to serve as an advisory committee to the Board of Education.[160]

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[159] PGC Superintendent of Schools, Memorandum to PGC Board of Education, "Board's Policy of Desegregation," Aug. 13,1963.

[160] See pp.74-75 for text of items 14 and 15.

The superintendent also recommended:

> that items #14 and #15 be eliminated from the Board's policy due to the recent Supreme Court decision of June 3 in which the Supreme Court reversed the U.S. Sixth Circuit Court of Appeals at Cincinnati (Maxwell v. Davidson County Board of Education and Goss v. Knoxville Board of Education). As I understand these decisions, it is no longer legal to permit children to transfer from an integrated school to a segregated school solely on the basis of race.[161]

The school board adopted a desegregation policy at its August 20, 1963, meeting that was identical to the one adopted in February 1963, except for the four modifications. Thus, in setting policy for the 1963-64 term, the board rejected the alternative desegregation policies, including the objective of achieving a specified level of desegregation within a certain time. Instead, it reaffirmed its commitment to freedom of choice. By doing this, the board took no initiative and accepted no responsibility for desegregation and did not even set any deadlines for its completion. Integration would occur only to the extent requested by individual parents, subject to the restrictions on transfers contained in the policy.

THE 1963-64 SCHOOL YEAR

When school opened in September 1963, the administration

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161. PGC Superintendent of Schools, Memorandum to PGC Board of Education, "Board's Policy of Desegregation," Aug. 13, 1963.

identified 72 of the county's 154 schools as "desegregated," even though this designation included schools with only one black student. The percentage of black students attending these "desegregated" schools rose to 12 percent, a 3.3 percent increase over the previous year. (See table 2.11.) However, 896 more black students attended all-black schools than the year before, owing to an overall increase in student enrollment (white and black student enrollments increased at approximately the same rate during this period).[162] A total of 8,984 black students attended 19 all-black schools, two of which (Highland Park Elementary and Beaver Heights Elementary) received a combined total of 10 classroom additions. Also, the second year of faculty "desegregation" found 24 black teachers teaching in "formerly white" schools and 2 white teachers in black schools.[163]

The Prince George's Citizens Education Committee continued to push for greater desegregation during the 1963-64 school year, focusing its attention on the school transportation system. The group maintained that the school board's actions were contrary to the April 1963 statement of the State board of education that it "would find fault with a situation if new and additional bus transportation, either by the establishment of new bus routes or the addition of buses or bus runs on old routes, were offered to

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162. "Report of Schools."

163. Ibid.

Table 2.11

RACIAL PROFILE OF SCHOOLS, 1963-64

Total student enrollment	90,044	
White	79,835	
Black	10,209	(11.3 percent)
Total black students in:		
"Desegregated" schools	1,225	(12.0 percent)
All-black schools	8,984	

All-Black Schools

1. Beaver Heights
2. Brooks Road (Doswell E. Brooks)
3. Clinton Grove
4. Douglass (new)
5. Fairmont Heights
6. Glenarden Woods
7. Highland Park
8. Holly Grove
9. Lakeland
10. Laurel (Laurel Grove)
11. Lincoln
12. North Brentwood
13. Orme
14. Ridgley Special
15. Sojourner Truth
16. Tall Oaks
17. Fairmont Hts. Jr.-Sr.
18. Douglass Jr.-Sr. High
19. Bethune Jr. High

Source: Statistics from Prince George's County, Public Schools, Pupil Accounting Department, "Report of Schools 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

a Negro child to go to a Negro school...." The committee believed that the county was perpetuating segregation by increasing the busing of black students to black schools when the students lived closer to predominantly white schools.[164]

On January 31, 1964, the committee's attorney requested data from the school administration on bus transportation provided to children attending 18 all-black schools.[165]

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[164] Ibid.

After receiving and analyzing the data, the committee charged that bus service that year had been extended "to provide transportation to Negro schools from areas not served by such transportation" in past years.[166] Schools officials denied this, stating that, "No school bus has been extended into any area or changed in any way where previous service did not exist."[167]

The school board, nevertheless, took steps to lessen the segregatory impact of its transportation system. The superintendent sent a memorandum to the school board on May 12, 1964, entitled, "Suggested Next Steps in the Desegregation Program." This dealt with proposals to withdraw bus transportation from five predominantly black areas to black schools and to reassign a number of the affected black students to white schools that were often nearer. Two weeks later, the school board adopted the proposals.[168]

The board's freedom of choice desegregation policy for the 1964-65 school year eliminated the requirement of a formal

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165. David B. Isbell, Attorney, Prince George's Citizens Education Committee, letter to William S. Schmidt, PGC Superintendent of Schools, Jan. 31, 1964.

166. David B. Isbell, Attorney, Prince George's Citizens Education Committee, letter to William S. Schmidt, PGC Superintendent of Schools, Apr. 22, 1964.

167. John W. Heim, Supervisor of Transportation, PGC Schools, Memorandum to William S. Schmidt, PGC Superintendent of Schools, May 8, 1964.

168. PGC Board of Education, Minutes, May 26, 1964.

transfer application, but it maintained the "closer school" restriction on transfers to integrated schools. The policy provided that "students already enrolled in all-Negro schools no longer need to request a transfer for permission to attend a desegregated school; they merely indicate to the principal that they wish to attend a school closer to their home and to transfer their records to the designated school."[169]

SUMMARY

The 1964-65 school year was the 10th and last year that the Prince George's County public schools operated under a freedom of choice desegregation policy. During the 10-year period, the total student enrollment doubled from 49,997 to 98,589 students, and the proportion of black students decreased slightly from 12.6 to 11.4 percent.[170] Although 1.0 percent of the black students attended a "desegregated" school in 1955-56 and 20.1 percent went to school with whites 10 years later, 2,735 more black students attended all-black schools in 1964-65 than when desegregation started.[171]

During the 10-year period, the number of "desegregated" schools increased from 8 out of 104 to 95 out of 169 schools that enrolled at least one black student.[172] All-black schools declined from 21 to 18; however, the remaining schools were generally much larger than those existing in 1955-56.[173] Moreover, additional classrooms were planned for three of them for the 1965-66 school year.[174] Thus, in terms of student desegregation, Prince George's County's freedom of choice policy produced a paradox of results.

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[169] PGC Board of Education, Resolution 169-64, Minutes, Apr. 14, 1964.

[170] Statistics from "Report of Schools."

[171] Ibid.

By comparison, the 3-year-old faculty desegregation program demonstrated relatively more significant results. The school system reported that in 1964-65, 53 black teachers were on the staffs of predominantly white schools and 12 white teachers were assigned to "black" schools.[175]

Ten years after the Supreme Court of the United States ruled State-sanctioned segregation unconstitutional in public

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172. Ibid.

173. Ibid.

174. William S. Schmidt, PGC Superintendent of Schools, Memorandum to James A. Sensenbaugh, Maryland State Superintendent of Schools, "Permission for Building Facilities to School (sic) in Which Only Negro Pupils are Enrolled," Nov. 10, 1964. The county superintendent sought the State's approval of the construction of a total of 17 classrooms for the three schools. Thirteen of the rooms were completed in 1965. The contruction projects that were proposed in the memorandum and that had already been approved by the Prince George's County Board of Education were: Fairmont Heights Elementary, 7-classroom addition; Glenarden Woods Elementary, 4-classroom addition; Highland Park Elementary, 6-classroom addition. Both Fairmont Heights and Highland Park received the proposed additions in 1965. ("Report of Schools.")

175. Ibid.

education, and in so doing pointedly noted that "in the field of public education the doctrine of 'separate but equal' has no place,"[176] desegregation of the Prince George's County public schools was still a goal rather than an accomplished fact. (See table 2.12.) The U.S. Commission on Civil Rights, in attempting to understand better why this was so, interviewed numerous citizens and school officials who were actively involved in

Table 2.12

RACIAL PROFILE OF SCHOOLS, 1964-65

Total student enrollment	98,589	
White	87,305	
Black	11,284	(11.4 percent)
Total black students in:		
"Desegregated" schools	2,267	(20.1 percent)
All-black schools	9,017	

All-Black Schools

1. Beaver Heights
2. Brooks Road (Doswell E. Brooks)
3. Clinton Grove
4. Douglass (new)
5. Fairmont Heights
6. Glenarden Woods
7. Highland Park
8. Holly Grove
9. Lakeland
10. Lincoln
11. North Brentwood
12. Orme
13. Ridgley Special
14. Sojourner Truth
15. Tall Oaks
16. Fairmont Hts. Jr.-Sr
17. Douglass Jr.-Sr. High
18. Bethune Jr. High

Source: Statistics from Prince George's County, Public Schools, Pupil Accounting Depirtment, "Report of Schools 1953-54 School 1953-54 School Year to 1971-72 School Year," Jan.4, 1972 school affairs from 1954 to 1964. Most of these individuals indicated that more desegregation could and should have been achieved during the decade following Brown, and many traced the problems back to 1955 when the board of education adopted its original desegregation policy.

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[176] Brown I, 347 U.S. 483, 495 (1954).

Members of the Fact-Finding Committee appointed by the school board in April 1955 who were interviewed by the Commission were especially critical of the actions of the school board and administration in setting the initial pattern of desegregation in the county. One member stated:

> Some of us on the Committee were very disappointed. Not one of our recommendations was put into effect. We felt that we and our report had been used as window-dressing....
>
> This was especially true in regard to the housing information. We plotted out the racial makeup of the county by census enumeration districts and showed how much integration could be achieved given existing school facilities. We almost went blind working with the maps and the data, and the housing information was totally ignored.

Another elaborated on the fundamental difference between the committee's and the school system's approach to desegregation:

> As I recall, most of the committee members believed that desegregation should be brought about by attendance districting and that the responsibility for desegregation should be on the school board and the school administration while the school administration itself favored "freedom of choice" and putting the responsibility for desegregation on black parents.

Several others stressed the same point. As one white member stated:

> The policy of local choice [freedom of choice] as adopted by the board of education was never recommended by the Fact-Finding Committee. We felt that the initiative for desegregation should come from the school system rather than from Negro parents.

Although Superintendent Schmidt had developed the idea of "citizen committees" and advocated their formation in all counties to involve citizens in the desegregation planning process, he ignored the other important recommendations contained in the Prince George's County committee's report. "The irony, although we didn't know it at the time, was that the decisions had already been made on how to handle desegregation in Prince George's County," said one member.

Several people interviewed said that the school system's adoption and continuance of the freedom of choice policy was only the first of a series of errors. One individual commented, "In the late 1950's and early 1960's, when it was clear to everybody that freedom of choice was not going to desegregate the schools, the superintendent and the board refused to scrap it and put a plan into effect that would do the job."

Some citizens and school personnel maintained that for most of the 10-year period "freedom of choice" was no more than a "glossy overlay" that gave the underlying dual school system the appearance of constitutional compliance. They explained that under the board's policy the basic segregated school system remained intact, with racially determined student assignments and provisions for bus transportation that would facilitate school segregation. Several individuals alleged that new black schools and classroom additions were deliberately constructed at the direction of the school administration to "contain" the black student population.

In response to the school system's countercharge that black parents wanted schools built in their communities, one civic leader pointed out:

> Of course, many black parents wanted schools built in the black community. They saw how hard it was to get into white schools and decided it would be better to have their children go to a new black school close to home than travel half way across the county to an old black school.

A reason often cited for the ineffectiveness of freedom of choice is that it brought about "one-way" desegregation with only black students desegregating white schools, a fact well documented by official school records. The school system's own statistics testify to the thoroughly "one-way" nature of desegregation under the county's freedom of choice procedures. Between 1955 and 1965, white students were not assigned to black schools and only two or three white students ever attended a black school.[177] Moreover, if a white student happened to enroll in a black school, he or she was permitted to transfer.[178] The minutes of the August 11, 1964, school board meeting cryptically relate the school system's concern about the "problem" of whites attending black schools:

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[177] Statistics from "Report of Schools."

[178] PGC Board of Education, Minutes, Aug. 11, 1964.

> The Superintendent reported that by the opening of the Riverside Terrace Apartments, a problem had been created which would place five white children in the Sojourner Truth Elementary School. Parents of all five of these children have made application for transfer.

While the minutes do not reveal that action was taken on these applications, statistics show that, when the Sojourner Truth Elementary School opened a month later, it had an all-black enrollment.[179]

A school official described another incident concerning the "problem" of white children attending a black school:

> In 1959, a white family with three school-age children came to our community from West Virginia. They were taken in by a black family. When the county found out about the situation, they refused the white family further welfare payments until they moved to a "white community" served by a "white" school.

The effect of the county's action according to the official was "to force the whites to move elsewhere" and "keep the school all-black."

Several of the people interviewed said that the "one-way" nature of desegregation under freedom of choice was "inevitable" given the general cultural assumptions of the time. One black school official mused:

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[179] Statistics from "Report of Schools."

> White people in the late 1950's and early 1960's knew what desegregation was all about: "We wanted to get into their world." They didn't want to come into our world because they didn't believe it contained anything of value. They were mistaken, of course, but not wrong. They were victims of the blindness caused by racial separation.

The assumption that "freedom of choice" transfer applied to blacks but not whites found expression in a Washington Daily News article of August 10, 1955, entitled "County Integration Transfer Blanks Ready." The article announced the board's adoption of its freedom of choice desegregation policy. With reference to the transfer application forms, the article stated, "they are available to Negro parents who want their children transferred from one school to another."[180]

In response to the State board of education's recommendation that it clarify and publicize its "freedom of choice" policy, the county board, as noted earlier, circulated to all schools "a letter...designed primarily for Negro parents...."[181]

While the "one-way" nature of freedom of choice desegregation explains why black schools remained segregated, it does not account for why so few black students--only one in five in 1964-65--enrolled in white schools. One reason, according to interviewees, was that school policy only permitted the transfer of black children to a white school if that school was closer to home than the black school where they were enrolled.

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[180] "County Integration Transfer Blanks Ready," Washington Star, Aug. 10, 1955.

[181] See pp. 135-36.

Some of the interviewees attributed the low number of black transfers to a combination of factors, including: the changing and sometimes confusing nature of the policy itself, the lack of publicity given to the policy of "permissive transfers," the limited time period during which applications for transfer could be made, and the fact that parents' often had to provide their own transportation if they wished to transfer their child to a white school.

A number of citizens alleged that school officials "harassed" black parents who attempted to transfer their children to white schools by trying to persuade the parents to withdraw their requests and by "investigating" some requests, which "intimidated" them. The Commission was referred to a number of sworn affidavits submitted to the State board of education in 1962 as support for these allegations.[182]

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182. Eight affidavits of Negro parents were submitted to the State board in 1962 for its hearing on Prince George's County's desegregation policy. Following is an excerpt from one affidavit of a black woman who in 1960 requested enrollment of her daughter in a white junior high school closer to her home than the black school to which she had been assigned.

"On or about the end of July, I received a telephone call at my office from a man who identified himself as Mr.________________ of the Prince George's County Board of Education. He said he had visited my home 2 times and had been unable to find me at home, and was therefore telephoning. He said that he was 'investigating' my transfer request and that it was necessary to

(cont.)

The Commission was not able to ascertain the extent to which such "harassment" occurred. Nor was it able to determine whether it was sanctioned by top school officials or was an unauthorized practice engaged in by individual school personnel. Several people interviewed, however, believed that the conduct of school personnel deterred many black parents from requesting transfers for their children.

Another reason reported by a number of citizens for the low number of transfers was the fear of black parents that their child might be the only black child in a school or that their child might be "abused, scorned, or maybe just tolerated" in the white school. While there is no evidence of the precise extent

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(182 cont.)
have answers to certain questions before any action could be taken on the request. Some of the questions he asked me were:
"1. Did I really want to send my daughter to the Glenridge School which was an all-white school?
"2. Did I own my home or did I rent?
"3. How many 'roomers' lived with me?
"4. Were there relatives, other than my immediate family living with me?
"5. How could I afford living in the community where I live without having 'roomer' or some other relative living with me?
"6. Did I think that my daughter would be able to withstand the pressure or insults that might prevail at the Glenridge School?
"7. Would I withdraw my request for transfer?
"Mr. ______________also asked whether, assuming my transfer request were granted and the Board of Education did not furnish transportation from my community to the Glenridge School, I would be able to provide transportation for my child or I would withdraw my request for transfer.
"The questions listed above are only some of the questions asked by Mr.________________. There were many questions whose overall purposes, I felt, was to coerce me into withdrawing my application for transfer. There were also a number of questions that bordered on the ridiculous, e.g., how many radios do you have, do you have a telephone, if so, how many; do you have a car, if so, more than one? etc."

to which these fears prevented black parents from transferring their children, it is known that at least some black parents were deterred. The minutes of the August 14, 1956, school board meeting indicate that "one parent making application for the admission of a child in the first grade at the Woodley Knoll Elementary School withdrew the application when it became apparent that her child would be the only Negro child in that school."

Finally, some citizens referred to "the general atmosphere of fear" that prevented some black parents from attempting to transfer their children. They said that these parents were afraid of economic or social reprisal or even physical violence. While not specific about who either did or would have engaged in such reprisal, the citizens mentioned the activities of prosegregation organizations such as the Ku Klux Klan and the White Citizens Councils to support their belief. These organizations were active in the county, particularly in the early years of freedom of choice.

The White Citizens Councils of Maryland, for example, held a number of rallies in Prince George's County in 1956 that prompted Superintendent Schmidt to inform the State superintendent of schools about them. Following a rally at which Bryant Bowles, a Delaware segregation leader, was the guest speaker, Dr. Schmidt wrote to the State superintendent:

> The best information that I have been able to secure indicates that about forty persons were in attendance.

> According to my information, Mr. Bowles made a very excellent presentation for the cause of segregation. He indicated that the white people in Sussex in Kent County, Delaware, had been successful through strikes and through a boycott of the school to prevent integration there. He indicated that the same thing could be done here if the people were willing to take that position. He also indicated his willingness to come at any time and help with a movement to maintain segregated schools. He indicated that in Delaware, by concerted action, they had been able to remove from office public officials who condone integration and suggested that the same could be done in Maryland.[183]

Since the county superintendent was concerned about the activities of the White Citizens Councils, the fears of black parents seem understandable.

Yet, despite administrative resistance, personal harassment, and fear, an increasing number of black parents insisted that their children attend desegregated schools in the period between 1955 and 1964. Some of these parents explained to Commission staff why they felt it was important to transfer their children to formerly white schools during the freedom of choice period.

A number of parents referred to "substandard" physical conditions at all-black schools. "Not only were the black schools poorly maintained, but they did not seem to get the same quality of teaching materials and equipment as the white schools;

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[183] William S. Schmidt, PGC Superintendent of Schools, letter to Thomas G. Pullen, Jr., Maryland State Superintendent of Schools, Sept. 27, 1956.

even the textbooks were outdated," said one parent.

Other parents emphasized their belief that desegregated schools would better prepare their children for life in an integrated society. One parent stated:

> When my wife and I were children in the South, life was totally segregated. Blacks and whites lived in separate areas, worked at different jobs, and were even buried in separate graveyards. The segregated schools we went to prepared us to live in a segregated world. Although I am sure that we knew more about white people than they knew about us, we were still ignorant of each other. Thank God, the times changed, and society became more open. When our son was ready to enter school, we discussed the situation and decided he had to attend an integrated school. In spite of all the possible problems, we felt he should go to school with white children, since he was going to live and work with them when he became an adult.

Several parents stressed the indignity of segregation as the reason why they transferred their children to desegregated schools. One mother said:

> I guess more than anything else it was a matter of pride--pride and anger. Segregation angered me because it expressed the feeling of white people that they were superior. While I could, in a way, accept their attitude towards me, I couldn't stand the thought that my child would be segregated. My child was just as smart, just as pretty, and just as good as any other child, and I wanted her to be treated like other children. Most of all, I wanted her to see that Negroes and whites were basically the same; that both groups have their share of people who are smart and not-so-smart--good and not-so-good.

Finally, a number of parents referred to the Brown decision, both in terms of the constitutional protections and the social principles enunciated therein. In the words of one parent:

> The Supreme Court was right in saying that Negro schools were not equal. Segregated schools would be equal if society weren't racist, but in that case there wouldn't be segregated schools. The judges were trying to break the vicious circle and save children from the prejudice of adults. The reason it didn't work is because it really hasn't been tried. I still think it can.

Commission staff also interviewed former school board members and school administrators who served during the 1955-64 period to learn how they viewed their freedom of choice desegregation policy.

The former superintendent said that looking back he "wishes a plan had been implemented right away providing for grade by grade desegregation each year." "After several years of this," he continued, "we could have speeded up the whole business perhaps." Nevertheless, Mr. Schmidt stated that "freedom of choice presented no problems for anybody." While "it didn't produce massive desegregation, many blacks did transfer to white schools and blacks were generally satisfied with the system."

A former school board member termed freedom of choice desegregation, "a perfectly legitimate policy." Another, however, bemoaned the fact that freedom of choice produced "only token desegregation."

Despite disagreement among former school board members about the effectiveness and legitimacy of the freedom of choice policy, all of the ones who were interviewed agreed on one point: the functional subservience of the board to the school administration in setting policy during this period. One board member said:

> The board in setting its desegregation policy relied on the recommendations of the superintendent who was a dedicated professional educator. It naturally relied on his judgment and had faith in him. Prince George's County was regarded as one of the finest school districts in the country.

Another ex-board member characterized the board of education during this period as a "rubber stamp" for the superintendent's decisions, contending that the official desegregation policy of the county "mirrored" his thinking. According to this person: "His position was that gradualism should prevail. The district would remain in lawful compliance, even if it was minimal compliance. Mr. Schmidt sincerely believed he was obeying the law, and that slow desegregation was the best policy."

A number of county residents and civic leaders alleged that the State board of education shared the blame with local school officials for the lack of school desegregation in Prince George's County during the 1954-64 period. They pointed out that the Brown decision obligated State authorities to bring about the desegregation of all governmentally-sanctioned segregation of public schools. The mere revocation of the Maryland State law requiring racially separate schools and the publication of a statewide desegregation policy was insufficient to fulfill the

State board's legal obligation to end segregation in Prince George's County, according to these citizens. They further contended that not only did the State board fail to take the initative in compelling the constitutional compliance of the subordinate Prince George's County Board of Education, but even when black parents petitioned the State board to protect the rights of their children it refused to act.

New laws and events, however, were to affect the county's policies on school desegregation after 1964.

Chapter 3

HEW ENTERS THE PICTURE, 1965-72

On July 2, 1964, the President of the United States signed into law the historic Civil Rights Act of 1964. Title VI, Section 601 of the act provides that:

> No person in the United States shall, on the ground of race, color or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.[1]

Each Federal agency is responsible for adopting regulations to carry out the provisions of section 601.[2] In accordance with this responsibility, the Department of Health, Education, and Welfare issued a regulation dealing with education, effective January 5, 1965.[3] The regulation states that, as far as elementary and secondary schools or school systems are concerned, the prohibitions against "general" and "specific discriminatory actions"[4] "shall be deemed to be satisfied if such school or school system":

> (1) is subject to a final order of a court of the United States for the desegregation of such school or school system, and provides an assurance that it will comply with such order, ..., or

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[1] 42 U.S.C. §2000d (1970)

[2] 42 U.S.C. §2000d-1 (1970).

[3] 45 C.F.R. 80 (1974).

[4] 45 C.F.R. §80.3 (1974) describes the discrimination prohibited. 45 C.F.R. §80.4(a) and (b) (1974) describes the assurances required.

> (2) submits a plan for the desegregation of such school or school system which the responsible Department official determines is adequate to accomplish the purposes of the Act..., and provides reasonable assurance
>
> that it will carry out such plan; in any case of continuing Federal financial assistance the responsible Department official may reserve the right to redetermine... the adequacy of the plan to accomplish the purposes of the Act..."[5]

For a school district to be eligible for Federal financial assistance under any program administered through the U.S. Office of Education, except as explained above, the official governing body of the school district is required to furnish an assurance of compliance with Title VI of the Civil Rights Act of 1964.[6] The Instructions to School Districts Regarding Compliance with Title VI of the Civil Rights Act of 1964: Nondiscrimination in Federally Assisted Programs[7] (issued in December 1964) provided that a school district not yet fully desegregated or otherwise not in a position to give an assurance of full compliance might apply for Federal financial assistance if it submitted a plan that met the following criteria:

> 1. no plan contemplating the use of attendance areas for desegregated grades will be satisfactory unless such areas are bounded

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[5] 45 C.F.R. §80.4(c) (1974).

[6] 45 C.F.R. §80.4 (1974).

[7] U.S., Department of Health, Education, and Welfare, "Instructions to School Districts Regarding Compliance with Title VI of the Civil Rights Act of 1964: Nondiscrimination in Federally Assisted Programs" (December 1964), p. 1.

> by rational and reasonable lines and are part of a system of unitary, non-racial zones.
>
> 2. all provisions for initial assignment, transfer or reassignment to schools must, for desegregated grades, operate without regard to race, color or national origin of any individual.
>
> 3. any restrictions upon school choice in freedom-of-choice type plans, must operate without regard to race,...
>
> 4. each plan must specify the steps to be taken toward operation of the schools in accordance with the policy of nondiscrimination stated in Section 601 of the Act and the Regulation. The plan must also provide a schedule of appropriate preparatory steps to prepare the staff and community for desegregation.
>
> 5. ample notice must be given to pupils, parents and the general public of rules and regulations respecting assignments, transfer, reassignments and other provisions of the plan.[8]

The implementation of the regulation required State agencies of education to withhold "any new commitments of funds for any purpose to a school district in Federally assisted programs unless an assurance of compliance, court order or satisfactory desegregation plan has been submitted to the State agency."[9] In April 1965, the U.S. Office of Education published the General Statement of Policies Under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary

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[8] Ibid., p. 2.

[9] 45 C.F.R. §80.8(b) (1974).

Schools[10] for the purpose of effectuating the act's nondiscrimination provisions.

PRINCE GEORGE'S COUNTY ADOPTS A PLAN

On April 30, 1965, Prince George's County Board of Education President W. Caroll Beatty and Superintendent of Schools William S. Schmidt attended a statewide meeting of Maryland school superintendents convened by State Superintendent of Schools James Sensenbaugh and the U.S. Office of Education.[11] The purpose of the meeting was to learn criteria for complying with requirements of Title VI that, in turn, related to eligibility for continued Federal financial assistance.[12] The board of education met on May 11, heard the report of Board President Beatty and, by unanimous resolution, directed Superintendent Schmidt to prepare a desegregation plan by June 15, 1965, that would conform with the guidelines.[13] The superintendent was also directed to present the plan to the U.S. Office of Education.

On June 3, 1965, the superintendent addressed two memoranda to members of the board and of the planning staff.[14] The first of these documents concerned "Long Range Planning (Fairmont Heights Area) to be designated as Proposal 'A'."[15] The memorandum contained four recommendations on the disposition of Fairmont Heights and Beaver Heights Elementary Schools, Mary Bethune Junior High School, and Fairmont Heights Senior High School in the proposed desegregation plan. The superintendent's recommendations for these all-black schools were as follows:

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[10] U.S., Commission on Civil Rights, Southern School Desegregation--1966-67, pp. 10-19 for discussion.

[11] Prince George's County (PGC) Board of Education, Minutes, May 11, 1965.

[12] In the 1964-65 school year, the Prince George's County school system received $6,717,358.01 in Federal financial assistance. In the following school year, the system received $10,401,928.65.

[13] PGC Board of Education, Minutes, May 11, 1965.

> (1) Regard of the general area as a compact neighborhood with all students (except vocational students and pupils now transported to Beaver Heights) walking to school.
>
> (2) Organize the two elementary schools on a Kindergarten-5 basis.
>
> (3) Organize Bethune as an Intermediate or Middle Grade School (Grades 6-7-8).
>
> (4) Organize Fairmont Heights Senior High as a 4-year comprehensive secondary school and provide released space for an expanded vocational and trade program offering course work not now available.[16]

The other memorandum concerned "Long Range Planning (Glenarden

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[14] William S. Schmidt, PGC Superintendent of Schools, Memoranda to Members, PGC Board of Education, and Members, Planning Staff, Long Range Planning (Fairmont Heights Area) to be Designated as Proposal "A" and (Glenarden Area) to be Designated as Proposal "B," June 3, 1965.

[15] Ibid.

[16] Ibid.

Area) to be designated as Proposal 'B'."[17] The elementary schools discussed in this document were all-black Glenarden Woods and Lincoln and predominantly black Ardmore. The superintendent recommended that "when the population development warrants (another) school, it should be built on a site east of Palmer Highway,"[18] which divides the Glenarden community. No directives of a similar nature were issued for other schools.

At the board's June 8 meeting, Superintendent Schmidt presented "Proposed Plans to Further Desegregation for the School Year 1965-66."[19] According to the superintendent, the "proposals...retain the basic principle of the Board's stated policy, namely, freedom of choice," but "consistent with the Board practice over the past several years," provide for "the application of the neighborhood school concept or the theory of school districting. This latter proposal, therefore, commits the Board to a policy of 'freedom-of-choice' with annual approaches to school districting as new school units are constructed."[20]

The board chose not to act at that time on the superintendent's proposals. Instead, the board adopted, on June

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[17] William S. Schmidt, PGC Superintendent of Schools, Memorandum to Members, PGC Board of Education, and Members, Planning Staff, Long Range Planning (Glenarden Area) to be Designated as Proposal "B," June 3, 1965.

[18] Ibid., p. 1.

[19] William S. Schmidt, PGC Superintendent of Schools, Memorandum to Members, PGC Board of Education, Proposed Plans to Further Desegregation from School Year 1965-66, June 2, 1965.

[20] Ibid.

22, a policy and plan that it described as "a unitary educational system of school attendance areas which shall be operated without regard to race, color, religion, or national origin."[21] The new policy provided that "the program of desegregation which began in Prince George's County in 1955-56 will be continued, accelerated, and completed throughout the school district at all levels...by September 1967."[22] The provisions of the new policy regarding "attendance areas" were as follows:

> 1. School attendance areas shall be established for every school without regard to race, color, religion, or national origin.
>
> 2. In establishing attendance areas, there will be no gerrymandering or establishment of other unnatural boundaries.
>
> 3. The establishment of attendance areas will serve all children in proximity to the school, with proper regard to the safety of the children and to the capacities of buildings.
>
> 4. For each school there will be a designated area which will furnish, without excessive travel, the appropriate number of pupils which that school may reasonably serve without regard to race, color, etc.
>
> 5. When new attendance areas have been established and approved by the Board of Education, the parents and/or guardians of all children will be informed in writing of the school or schools in which their children belong.[23]

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21. PGC Board of Education, "Prince George's County, Maryland, Plan for Desegregation" (adopted June 22, 1965). (Hereafter cited as "Plan for Desegregation.")

22. Ibid.

23. Ibid., p. 1.

Regarding "reassignment," the following provisions obtained:

> A parent who prefers another school may request reassignment of the pupil. The only factors which shall be considered in granting such requests are:
>
> 1. A letter from a physician stating valid medical reasons for a child being in a particular school.
>
> 2. Reasons submitted by parents that show a case of hardship. However, a request for reassignment based upon the issue of race (desegregation or segregation of either the present or requested school) shall not be considered a hardship.
>
> 3. A student's inability to continue his existing program of studies due to the redrawing of attendance areas. In such cases, a reassignment for the duration of the program will be granted if the receiving school is able to accommodate him.[24]

In addition to these provisions, the school administration offered another provision for reassignment to the parents of students assigned to Douglass, Frederick Sasscer, and Gwynn Park Junior-Senior High Schools and Fairmont Heights Senior High School.[25] A form letter dated June 24, 1965, and signed by Superintendent Schmidt was sent to these parents. The letter said that, despite the new policy of providing attendance areas for every school, for 1965-1966 "parents may request permission for their child to attend the school where he was previously enrolled if one of the following conditions was met":

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[24] Ibid., p. 3.

[25] Douglass Junior-Senior and Fairmont Heights Senior High Schools were majority black in 1965-66. The other two schools had substantial numbers of black students. PGC Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year" (Jan. 4, 1972) (hereafter cited as "Report of Schools").

> A. The child would be completing his or her senior year (12th grade).
>
> B. The child wished to complete the vocational program of studies in which he is enrolled and which may not be offered in the designated school.
>
> C. The designated school did not offer the subject or courses in which the pupil had registered for next year.[26]

REACTION AND IMPLEMENTATION

At the board meeting of July 20,[27] one member inquired as to the number of written or oral protests received by the school district regarding the board's newly adopted desegregation policy. There ensued discussion of two meetings of citizens in the Clinton and Woodmore areas "where attempts were made to arouse public opinion in opposition to the Board's action."[28] It was suggested, although the minutes of the meeting do not show whether the suggestion was approved, "that the Board should proceed on a positive program of providing information to persons in leadership roles in various school communities rather than

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26. PGC Board of Education, Minutes, Special Executive Session, July 20, 1965.

27. Ibid.

28. Ibid., p. 1. The community of Clinton is located in the southern portion of the county near Andrews Air Force Base. Woodmore is a rural area east of the Capital Beltway between Routes 50 (Hanson Highway) and 214 (Old Central Avenue).

assuming a defensive position." Several of the steps that the superintendent reported he had recently taken included:

> (1) a preliminary discussion with the Chief of the PGC Police Department regarding the need for police protection at the opening of school in areas where trouble could possibly occur,
>
> (2) arrangement of a meeting with top departmental heads of PGC School System to discuss possible problems arising from the Board's plan for desegregation and,
>
> (3) plans for a Human Relations Workshop to which administrators and teachers would be invited.

The public schools of Prince George's County opened in September 1965 without any reported difficulty. By the end of October when the school district issued its enrollment statistics, 113,260 students were enrolled in 180 schools.[29] The white student enrollment was 99,581 (88 percent); the black enrollment, 13,679 (12 percent).[30] Of the system's 4,585 faculty members, 521.5 (10.2 percent) were black.[31]

THE PLAN

The major features of the desegregation plan adopted by the board of education for 1965-66 were:

1. Desegregation of the following six formerly all-black schools:

    Clinton Grove
    Douglass Elementary

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[29] Statistics from "Report of Schools."

[30] Ibid.

[31] Ibid.

Holly Grove Elementary
Orme Elementary
Tall Oaks Elementary
Douglass Junior-Senior High School.

2. Closing all-black Sojourner Truth Elementary and distributing its enrollment to nearby schools on an attendance area basis.

3. Maintaining the all-black Ridgely Special Education Center until a new center in Lanham is completed.

4. Organizing the following schools on a unitary attendance area basis.

Beaver Heights Elementary
Fairmont Heights Elementary
Glenarden Woods Primary School
Highland Park Elementary
North Brentwood Elementary
Lakeland Elementary
Bethune Junior High School
Fairmont Heights Senior High School

5. Desegregating Brooks Road School in September 1966.

6. Desegregating Lincoln School incrementally in 1966 and completely in September 1967.[32]

The school system implemented its plan as scheduled in September 1965. (See table 3.1.) No disruptions or disturbances were reported despite the earlier mentioned protests and security precautions.

All of the six schools that the board proposed to "desegregate" in the 1965-66 school year were located in the rural, predominantly black, southeastern quadrant of the county.

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[32] "Plan for Desegregation."

Table 3.1

RACIAL PROFILE OF SCHOOLS, 1965-66

Total schools	180
Total student enrollment	113,260 percent
White	99,581 (88 percent)
Black	13,679 (12 percent)
Percent black faculty	10.2

Schools 50 Percent Or More Black

	School	Black Enroll.	White Enroll.	% Black Enroll.	% Black Faculty
1.	Ardmore	317	194	62.0	25.8
2.	Beaver Hts.	711	---	100.0	92.9
3.	Doswell Brooks	277	---	100.0	85.3
4.	Douglass	273	137	66.5	67.3
5.	Fairmont Hts.	756	---	100.0	98.2
6.	Glenarden Woods	438	---	100.0	100.0
7.	Highland Park	469	46	91.0	100.0
8.	Holly Grove	109	101	51.9	60.1
9.	Lakeland	151	---	100.0	86.4
10.	Lincoln	508	---	100.0	92.1
11.	North Brentwood	179	---	100.0	86.7
12.	Orme	213	71	75.0	57.1
13.	Ridgecrest	145	61	70.3	0.0
14.	Ridgley Spec. Center	27	---	100.0	---
15.	Seat Pleasant	318	295	51.8	60.1
16.	Tall Oaks	117	87	57.3	68.8
17.	Fairmont Hts. SHS	1,050	---	100.0	97.5
18.	F. Douglass J-SHS	402	234	63.2	73.8
19.	M. Bethune JHS	580	---	100.0	90.2
		7,040	(51.2 percent all black students)		

Schools 95 percent Or More White

No.	White Enroll.	Mean % Black Faculty
112	73,825 (74.1 percent of all white students)	2.2

130 schools 50 percent or more black and 95 percent or more white

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

Five had majority-black enrollments that year.[33] In addition, the racial composition of the faculties in the six schools ranged from 50.7 percent black at Clinton Grove to 73.8 percent black at Frederick Douglass Junior-Senior High School.[34]

The 1965 desegregation plan also provided for organization of eight all-black schools on a "unitary" basis. Seven of these schools opened the 1965-66 school year with all-black enrollments.[35] The other school, Highland Park Elementary, had a black enrollment of 91 percent.

Glenarden Woods Elementary, opened in the 1960-61 school year, was 100 percent black in terms of both students and faculty in 1965-66. This school was located less than a mile from Dodge Park Elementary, which was opened in 1965-66.[36] Dodge Park had an all-white faculty and a black student enrollment of 0.1 percent. Glenarden Woods was 42 under capacity; Dodge Park, 62 over capacity.[37] (See table 3.2.)

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[33] The percentage of black students in each of the six schools was: Clinton Grove, 36 percent; Tall Oaks, 57 percent; Orme, 75 percent; Holly Grove, 52 percent; Douglass Elementary, 66 percent; Douglass Junior-Senior High School, 63 percent. Statistics from "Report of Schools."

[34] Statistics from "Report of Schools."

[35] These schools were: Beaver Heights, Fairmont Heights, Glenarden Woods, North Brentwood, and Lakeland Elementary Schools; Mary Bethune Junior High; and Fairmont Heights Senior High. "Plan for Desegregation."

[36] PGC Public Schools, School Location and Boundary Maps, provided to USCCR by the Pupil Accounting Department and former PGC Board of Education Member Ruth S. Wolf, June 1973. (Hereafter cited as "School Maps.")

Lakeland Elementary, whose enrollment was 100 percent black and whose faculty was 86.4 percent black, was located less than a mile from two predominantly white schools--Berwyn and Berwyn Heights Elementaries.[38] Berwyn, 71 over capacity, had no black students or faculty; Berwyn Heights, 18 over capacity, had 0.6 percent black students, no black faculty. Lakeland was 89 under capacity.[39] (See table 3.2.)

North Brentwood Elementary had a 100 percent black student enrollment and a 86.7 percent black faculty in 1965-66. This school was situated less than a mile from seven predominantly white schools.[40] (See table 3.2.) Two of these seven schools were under capacity (Brentwood, 31; Cottage City, 67) and had no black students. Black enrollment in the remaining five schools ranged from 0.4 to 6.3 percent. In the seven schools, blacks were 0.0 to 18.1 percent of the faculty.[41]

Highland Park Elementary, whose enrollment was 91 percent black and whose faculty was 100 percent black in 1965-66, was situated less than a mile from two predominantly white schools--

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[37] Statistics from "Report of Schools."

[38] "School Maps."

[39] Statistics from "Report of Schools."

[40] "School Maps."

[41] Statistics from "Report of Schools."

Table 3.2

ULITIZATION OF ELEMENTARY SCHOOLS ORGANIZED ON "UNITARY" BASIS FOR DESEGREGATION, 1965-66

School (Year Built)	Capacity	Enroll.	+ or - Capacity	% Black Enroll.	% Black Faculty
Glenarden Woods (1960)	480	438	-42	100.0	100.0
Dodge Park	600	662	+62	0.1	0.0
Lakeland (1928)	240	151	-89	100.0	86.4
Berwyn (1923)	350	421	+71	0.0	0.0
Berwyn Heights (1968)	600	618	+18	0.6	0.0
North Brentwood (1924)	150	179	+29	100.0	86.7
Brentwood (1952)	120	89	-31	0.0	11.1
Colmar Manor (1935)	150	205	+55	0.4	0.0
Cottage City (1923)	240	173	-67	0.0	10.1
Edmonston (1941)	150	174	+24	6.3	12.1
Hyattsville (1921)	690	729	+39	2.3	0.0
Mt. Rainier (1923)	240	270	+30	1.4	18.1
Thomas Stone (1950)	600	607	+7	0.0	0.0
Highland Park (1928)	700	515	-185	91.0	100.0
Carmody Hills (1958)	600	748	+148	20.5	18.0
Columbia Park (1928)	480	483	+3	3.9	0.0

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

Carmody Hills and Columbia Park.[42] Carmody Hills and Columbia Park had 20.5 and 3.9 percent black students, respectively; 18.0 and 0.0 percent black faculty; Columbia Park was slightly over capacity; Carmody Hills, by 148; Highland Park was under capacity by 185.[43] (See table 3.2.)

Fairmont Heights Elementary, located in a historically black section of the county, was constructed in 1934 for black students.[44] In 1965-66, a seven-room addition to the facility was completed, boosting the school's capacity to 900 and making it the largest elementary school in the school system.[45] In the same school year, the school had an all-black student enrollment and a 98.2 percent black faculty.

On the secondary level, the desegregation plan of 1965 provided for the organization of two schools--Mary M. Bethune Junior High and Fairmont Heights Senior High--on a "unitary" attendance area basis.[46] In 1965-66 Bethune's students were 100 percent black; the faculty, 90.2 percent. Bethune was under capacity by 400; the three nearest junior highs were over capacity for a combined total of 537. (See table 3.3.) Two of

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42. "School Maps."

43. Statistics from "Report of Schools."

44. Ibid.

45. Ibid. Actual enrollment never rose higher than 855 students--recorded subsequently in the 1967-68 school year. Ibid.

46. "Plan for Desegregation."

Table 3.3

DESEGREGATION AND UTILIZATION OF JUNIOR AND SENIOR HIGH SCHOOLS, 1965-66

School (Year Built)	Capacity	Enroll.	+ or - Capacity	% Black Enroll.	% Black Faculty
Mary Bethune JH (1961)	980	580	-400	100.0	90.2
Bladensburg (1930)	1,050	1,260	+210	1.2	1.7
Kent (1959)	858	1,150	+292	19.6	10.9
Maryland Park (1925)	855	890	+35	19.6	2.2
Fairmont Heights SH (1950)	1,305	1,050	-255	100.0	97.5
Bladensburg (1951)	1,534	2,089	+555	0.8	0.0
Central (1960)	900	1,035	+135	12.0	1.9

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

these three junior highs had 19.6 percent black students; the remaining school was 1.2 percent black.[47]

The attendance area for all-black Fairmont Heights Senior High School was adjacent to those of Bladensburg and Central Senior High Schools.[48] Bladensburg (0.8 percent black students) was over capacity by 555; Central (12.0 percent black students) was over by 135. Fairmont Heights was under capacity by 255 students. Faculty race reflected student race: Fairmont Heights, 97.5 percent black faculty; Bladensburg, 0.0 percent;

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[47] Statistics from "Report of Schools."

[48] "School Maps."

Central, 1.9 percent.[49] (See table 3.3.)

In short, six of the eight so-called "unitary" schools, for the 1965-66 school year, had classroom vacancies while nearby, predominantly white schools were overcrowded. Predominantly black Fairmont Heights Senior High and Mary Bethune Junior High, along with Glenarden Woods, Lakeland, North Brentwood, and Highland Park Elementary Schools, remained as segregated in 1965-66 as they were in the previous year. This fact, together with the dramatic differentials in classroom utilization between neighboring black and white schools, calls into question whether the organization of certain schools on a "unitary" basis had any relationship to their desegregation. There was also a high degree of racial correlation between student enrollments and faculty composition in both black and white schools.

The desegregation plan also provided for the reorganization of Brooks Road Elementary and Lincoln Elementary on a "unitary school basis" in 1966 and 1967, respectively.[50] The school district's rationale for prolonging conversion in these two schools was to permit completion of schools under construction, thereby enabling the affected attendance areas to be redrawn.[51] As a result, in 1965-66 both schools maintained 100 percent black

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49. Statistics from "Report of Schools."

50. "Plan for Desegregation."

51. Ibid.

student enrollments and 85.3 percent and 92.1 percent black faculty, respectively.

Brooks Road School, constructed in 1953 for black students,[52] served both contiguous and noncontiguous attendance areas.[53] Black children living in the noncontiguous attendance area east of Route 495 (Capital Beltway) crossed the Beltway and passed four closer, predominantly white schools.[54] (See table 3.4.) Black enrollment in the four schools ranged from 0.4 to 1.0 percent; black faculty, from 3.5 to 5.1 percent. Two of the schools were well above capacity for a combined total of 427. Brooks Road was under by 83.[55]

Lincoln Elementary, with 100 percent black students,[56] served four noncontiguous attendance areas in addition to the contiguous attendance area surrounding the school.[57] Though Lincoln was located east of the Beltway, one of the noncontiguous areas it served was west of the Beltway.[58] Black children who attended Lincoln from these four noncontiguous areas lived closer

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52. Statistics from "Report of Schools."

53. A contiguous attendance area is an attendance zone within which lies the facility serving the zone.

54. "School Maps."

55. Statistics from "Report of Schools."

56. Ibid.

57. "School Maps."

58. Ibid.

Table 3.4

1965-66 UTILIZATION OF ELEMENTARY SCHOOLS TO BE DESEGREGATED ON "UNITARY" BASIS IN 1966 AND 1967

School (Year Built)	Capacity	Enroll.	+ or - Capacity	% Black Enroll.	% Black Faculty
Brooks Road (1953)	360	277	-83	100.0	85.3
North Forestville (1953)	540	709	+169	0.5	3.6
John Bayne (1963)	600	858	+258	1.0	
District Heights (1936)	480	483	+3	0.4	5.1
District Heights Pkwy. (1954)	360	360	--	0.6	3.5
Lincoln (1922)	570	508	-62	100.0	92.1
Jas. McHenry (1964)	600	460	+140	0.0	0.0
Glenn Dale (1928)	240	314	+74	3.9	3.2
Fox Hill (1965)	600	326	-274	4.2	0.0
Tulip Grove (1964)	600	711	+111	0.0	0.0
Highbridge (1962)	360	453	+93	19.6	6.4

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

to several other schools,[59] shown in table 3.4. Blacks were 0.0 to 4.2 percent at four of these schools; 19.6 percent of the fifth.[60]

In addition to the six schools "to be desegregated,"[61] the eight schools to be "organized on a unitary basis," and the two schools to be desegregated in 1966 and 1967, respectively, the school district operated three other majority-black schools in 1965-66.[62] Two of these, Ridgecrest and Seat Pleasant Elementary Schools, were located close to several predominantly white schools.

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[59] Ibid.

[60] Statistics from "Report of Schools."

[61] Only one school, Clinton Grove, was less than 50 percent black following implementation of the plan. Statistics from "Report of Schools."

Ridgecrest Elementary, adjacent to northeastern Washington, D.C., had been all white in terms of student enrollment and faculty composition as recently as the 1963-64 school year.[63] In 1964-65, 28 black students, representing 13.5 percent of the student body, were enrolled at Ridgecrest.[64] The following year Ridgecrest's students were 70.3 percent black, while three nearby schools had only 0.7 to 3.4 percent black enrollment.[65] (See table 3.5.)

Seat Pleasant Elementary was one of the first white schools to be "desegregated" under the board's "freedom of choice" plan.[66] Seat Pleasant enrolled five black students in 1955-56 and this trend continued until blacks were a majority of 51.8 percent

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[62] Ibid.

[63] Ibid.

[64] Ibid.

[65] Ibid.

[66] Ibid.

Table 3.5

PROFILE OF NINE ELEMENTARY SCHOOLS, 1965-66

School (Year Built)	Capacity	Enroll.	+ or - Capacity	% Black Enroll.	% Black Faculty
Ridgecrest (1953)	180	206	+26	70.3	0.0
J. Enos Ray (1928)	360	433	+73	2.7	0.0
Chillum (1952)	510	434	-76	3.4	4.9
Parkway (1954)	360	390	+30	0.7	0.0
Seat Pleasant (1936)	480	613	+133	51.8	60.1
Capitol Heights (1959)	540	562	+22	4.8	8.9
Carmody Hills (1958)	600	748	+148	20.5	18.0
Greendale (1955)	480	507	+27	14.0	7.1
Lyndon Hill (1938	360	499	+139	3.4	11.9

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

in 1965-66.[67] Although all of the schools neighboring Seat Pleasant were overcrowded in 1965-66, the racial student enrollment and faculty composition statistics among the schools varied considerably. (See table 3.5.) Student bodies of these schools ranged from 3.4 to 20.5 percent black; faculties, from 7.1 to 18.0 percent black.[68]

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[67] Ibid.

[68] Ibid.

The 18th majority-black school operated by the school district in 1965-66 was Ardmore Elementary.[69] Opened in 1922,[70] Ardmore served only white students until 1962-63 when five black students were admitted.[71] In 1965-66, the school's capacity was increased to 300 while, simultaneously, the school gained majority-black enrollment status for the first time.[72]

Implementation of the 1965 desegregation policy resulted in a reduced number of all-black schools--from 18 in 1964-65 to 9 in 1965-66.[73] The number of black students enrolled in traditionally all-white schools rose from 2,267 (20.1 percent of the total black enrollment) to 6,666 (48.8 percent).[74] Nevertheless, a substantial amount of racial segregation remained. While 18 majority-black schools enrolled 51.2 percent of the total black student population,[75] the vast majority of white students attended predominantly white schools. Some 73,825 white students were enrolled in 112 schools in which white students constituted 95 percent or more of the total enrollment. In all, 130 of the county's 180 public school units, enrolling 80,838 of the system's 113,260 students, were either majority black or at least 95 percent white in 1965-66.[76] Insofar as faculty assignments were concerned, 60.5 percent of the 521.5 black faculty members in the Prince George's County school system were assigned to the 18 majority-black schools.[77] The mean percentage of black teachers in the 112 schools in which white students constituted at least 95 percent of the enrollment was 2.2.[78] Fifty-eight of the 112 schools had no black teachers.[79]

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[69] Ibid. Ardmore's racial enrollment and capacity utilization statistics have not been compared with other schools, since the only school close by was all-black Glenarden Woods.

[70] Ibid.

[71] Ibid.

[72] Ibid.

[73] Ibid.

[74] Ibid.

[75] Ibid.

Commission staff interviewed several individuals familiar with the school system who stated their beliefs that the school district could have done more at the time to relieve segregation. One former board member said:

> Schools were generally built in accordance with development plans--if a white development was planned, it was assumed that a white school was needed. The only consideration was how many students were involved, not whether a school was to be integrated. As usual, the board was passive and followed the superintendent.[80]

A former school administrator indicated that the new (1965-66) attendance areas were not really new at all but reflected the old dual system.[81] By using geographic zones that took cognizance of the racially separate zones, there was duplication of the segregated character of the school system's earlier years. Another former board member stated that the proximity of predominantly black and white schools to one another strongly suggested that racial gerrymandering was involved.[82]

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[76] Ibid.

[77] Ibid.

[78] Ibid.

[79] Ibid.

[80] Staff interview, June 1973.

The "guidelines"[83] issued in April 1965 were roundly and continuously criticized by officials in "desegregating" districts as being too vague.[84] A former official[85] of the Equal Educational Opportunities Program said that the guidelines had been made purposefully general in the hope that school officials would do more than was implied in them. In response to heavy criticism, the Department of Health, Education, and Welfare issued new guidelines in March 1966.[86]

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[81] Ibid.

[82] Ibid.

[83] U.S., Department of Health, Education, and Welfare, Office of Education, "General Statement of Policies Under Title VI of the Civil Rights Act of 1964 Respecting Desegregation of Elementary and Secondary Schools" (April 1965). This policy statement is generally referred to as the "guidelines." (Hereafter cited as "Guidelines.")

[84] Staff interview, February 1974.

[85] David Barus, former Assistant to Director, Equal Educational Opportunities Program (EEOP), HEW, staff interview, February 1974.

[86] U.S., Department of Health, Education, and Welfare, "Revised Statement of Policies for School Desegregation Plans Under Title VI of the Civil Rights Act of 1964" (March 1966) (hereafter cited as "Revised Statement").

The new guidelines required that, under voluntary desegregation plans based on geographic attendance areas, a "single system of non-racial attendance zones must be established." Section 181.32 further stated that: "A school system may not use zone boundaries or feeder patterns designed to perpetuate or promote segregation, or to limit desegregation or maintain what is essentially a dual school structure."[87]

Paragraph (a) of section 181.13, concerning faculty and staff, placed the burden on the school system "for correcting the effects of all past discriminatory practices in the assignment of teachers and other professional staff." Paragraph (d) stated in part that:

> The pattern of assignment of teachers and other professional staff among the various schools of a system may not be such that schools are identifiable as intended for students of a particular race, color, or national origin, or such that teachers or other professional staff of a particular race are concentrated in those schools where all, or the majority, of the students are of that race.[88]

Further, the paragraph stipulated that "staff desegregation for the 1966-67 school year must include significant progress beyond what was accomplished for the 1965-66 school year in the desegregation of teachers assigned to schools on a regular full-time basis."[89]

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[87] Ibid., Section 181.32.

[88] Ibid., Section 181.13(d).

[89] Ibid.

On April 14, 1966, the Prince George's County school system submitted an "assurance of compliance" with the Revised Statement of Policies for School Desegregation Plans under Title VI of the Civil Rights Act of 1964 (HEW form 441-B). Concurrently, the Maryland State Board of Education signed an assurance of compliance.

In acknowledging receipt of the assurance of compliance from the school district, the Assistant Commissioner for the Equal Educational Opportunities Program indicated that "this form automatically amends your desegregation plan to conform with the provisions of the Revised Statement of Policies applicable to your type of plan." He said further that, "your desegregation plan, as amended...may now be considered adequate for the coming school year to accomplish the purpose of Title VI of the Act."[90] By signing the assurance of compliance, which was a promise to move expeditiously to eliminate the dual school system, the school district tacitly admitted that it had not yet accomplished total desegregation and full compliance with Title VI.

SECOND YEAR OF THE PLAN

In the 1966-67 school year, another phase of the desegregation plan, adopted a year earlier, was put into effect.[91] (See table 3.6.) Brooks Road Elementary School was desegregated by eliminating noncontiguous attendance areas and redrawing the boundary lines for several schools in the vicinity.[92] As a result, the racial composition of Brooks Road changed radically. In 1965-66, the school had no white students; the following year it had 403. Black students dropped from 277 in 1965-66 to 77 in 1966-67. Change was less dramatic but substantial for white faculty, which rose from 1.8 in 1965-66 to 8.9 the next year. Black faculty were 10.5 in 1965-66; 9 a year later.[93]

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[90] David Seeley, Director, EEOP, HEW, letter to William S. Schmidt, PGC Superintendent of Schools, Apr. 30, 1966.

[91] "Plan for Desegregation."

The black students attending Brooks Road School who were transported past several white schools in 1965-66 resided in an area called Westphalia.[94] When this instance of noncontiguous zoning was discontinued and these students were assigned to the new Arrowhead School in 1966-67,[95] two things occurred. First, the number of black students at Brooks Road fell by approximately 200, although the attendance area of Brooks Road was expanded in all directions.[96] Secondly, Arrowhead Elementary opened majority black: 336 black and 127 white students.

The opening of Arrowhead Elementary as a predominantly black school prompted a vigorous protest from the parents of some of the affected white children. One parent representing a delegation from the Hy-View Apartments "appeared before the Board to protest the transfer of their children from the Forestville Elementary School to the Arrowhead Elementary School."[97] Another group presented a petition requesting the board: to seek a location within the Ritchie area for construction of another school; to equalize the racial enrollment, in the meanwhile, so that there would be "social equality"; or to transfer the reassigned children to the North Forestville School if the racial enrollment could not be equalized. This petition was signed by "169 parents, taxpayers, and voters who are in sympathy, either from a parental, real estate or moral point of view."[98]

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[92] "School Maps."

[93] Statistics from "Report of Schools."

[94] "School Maps."

[95] Statistics from "Report of Schools."

[96] "School Maps."

The enrollment situation at all-black Lincoln Elementary also changed in 1966-67. The attendance area maps provided by the school system show that in 1965-66 black students from four noncontiguous attendance areas were transported to Lincoln.[99] That practice was discontinued in 1966-67[100] and Lincoln's enrollment dropped from 508 to 172.[101] The school remained 100 percent black.

In his long-range planning memorandum for the Glenarden area, Superintendent Schmidt had recommended that "when the population development warrants [another] school, it should be built on a site east of Palmer Highway."[102] The school system constructed that school (Kenmoor) and opened it in the 1966-67 school year.[103] Enrollment and faculty were 54.9 and 25.3 percent black, respectively.

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[97] PGC Board of Education, Minutes, Oct. 4, 1966.

[98] Ibid.

[99] "School Maps."

[100] Ibid.

[101] Statistics from "Report of Schools."

In the 1966-67 school year, the Prince George's County school system was larger by some 11 schools and 10,227 students than the previous year. There were 191 schools serving 123,487 students. Although increasing in numbers, black students declined from 12.0 to 11.9 percent.[104] The percentage of black faculty members increased from 10.2 to 11.4, 0.5 percentage points below the percentage of black student enrollment. Although the number of all-black schools decreased from 9 to 8, the number of majority-black schools increased from 18 to 19.[105] Of these 19 schools, 13 were over 65 percent black. In all, 6,767 black students (46.4 percent of the total black enrollment)

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102. William S. Schmidt, PGC Superintendent of Schools, Memorandum to Members, PGC Board of Education, and Members, Planning Staff, Long Range Planning (Glenarden Area) to be Designated as Proposal "B," June 3, 1965.

103. Statistics from "Report of Schools."

104. The number of black students increased from 13,679 to 14,581. Total white students increased from 99,581 to 108,906. Ibid.

105. The Ridgley Special School was not included in this computation, since it was an extremely small school; it is shown on tables 3.1 and 3.6 because public school students did attend it.

were enrolled in the system's 19 majority-black schools.[106] (See table 3.6.)

White students were at least 95 percent of the enrollment in 108 schools in 1966-67. These schools had some 72,200 white students, 66.2 percent of all white students. A year earlier there were 112 such schools enrolling 73,825 white students. Collectively speaking, Prince George's County operated 127 schools that were either majority black or 95 percent or more white and served 78,967 students. The mean percentage of black faculty in 95 percent white schools increased from 2.2 to 3.8 percent over the 2-year period.

The JEFFERSON DECISION

In December 1966 the U.S. Court of Appeals for the Fifth Circuit announced its decision in the case of U.S. v. Jefferson County Board of Education.[107] The court of appeals said that the standards of the Department of Health, Education, and Welfare were within the rationale of the U.S. Supreme Court decision in the Brown case and the congressional objectives of the Civil Rights Act of 1964.[108] The court also stated that "formerly de jure segregated public school systems based on dual attendance

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[106] Statistics from "Report of Schools."

[107] 372 F.2d 836 (5th Cir. 1966), aff'd en banc 380 F.2d 385 (5th Cir. 1967), cert. denied sub nom Caddo Parish School Board v. U.S., 389 U.S. 840 (1967).

[108] 372 F.2d 836, 862 (5th Cir. 1966).

Table 3.6

RACIAL PROFILE OF SCHOOLS, 1966-67

Total schools	191	
Total student enrollment	123,487	
White	108,906	
Black	14,581	(11.9 percent)
Percent black faculty	11.4	

Schools 50 Percent Or More Black

	School	Black Enroll.	White Enroll.	% Black Enroll.	% Black Faculty
1.	Ardmore	232	176	56.8	44.5
2.	Arrowhead	336	127	72.5	26.4
3.	Beaver Hts.	658	---	100.0	87.6
4.	Douglass	286	140	67.1	66.6
5.	Fairmont Hts.	745	---	100.0	95.2
6.	Glenarden Wds.	530	---	100.0	81.4
7.	Highland Park	589	1	99.8	82.0
8.	Holly Grove	91	71	56.1	70.7
9.	Kenmoor	324	266	54.9	25.3
10.	Lakeland	110	---	100.0	31.5
11.	Lincoln	172	---	100.0	93.7
12.	North Brentwood	149	---	100.0	92.7
13.	Oakcrest	307	31	90.8	60.0
14.	Orme	213	92	69.8	66.6
15.	Ridgley Spec. Center	28	---	100.0	---
16.	Seat Pleasant	231	231	50.0	55.5
17.	Tall Oaks	121	68	64.0	33.0
18.	Woodmore	174	147	54.2	30.3
19.	Fairmont Hts. SHS.	952	---	100.0	92.8
20.	Bethune JHS	547	---	100.0	86.3
		6,795 (46.4 percent of all black students)			

Schools 95 Percent Or More White

No.	White Enroll.	Mean % Black Faculty
108	72,200 (66.2 percent of all white students)	3.8

127 schools 50 percent or more black and 95 percent or more white

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

zones must shift to unitary, nonracial systems-- with or without Federal funds."[109]

Writing for the majority, Judge Wisdom stated:

> The central vice in a formerly de jure segregated public school system is apartheid by dual zoning....Dual zoning persists in the continuing operation of Negro schools identified as Negro, historically and because the faculty and students are Negroes.[110]

Relief requires, among other things, conversion of dual zones into a single system. Faculties, facilities, and activities as well as student bodies must be integrated."[111]

The appeals court also found that:

> In this circuit, therefore, the location of Negro schools with Negro faculties in Negro neighborhoods and white schools in white neighborhoods cannot be described as an unfortunate fortuity. It came into existence as state action and continues to exist as racial gerrymandering, made possible by the dual system. Segregation resulting from racially motivated gerrymandering is properly characterized as "de jure" segregation.[112]

PERIOD OF NONCOMMUNICATION

The Prince George's County central office files, made available to Commission staff, contained no indication of communication between the school district and the Department of Health, Education, and Welfare for about a year after HEW's acceptance of the assurance of compliance from the county in April 1966. The school board's attorney, Paul Nussbaum, told Commission staff that the school district asked the Department several times during this period to clarify the district's compliance status relating to the Civil Rights Act of 1964.[113]

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[109] Id. at 850.

[110] Id. at 867.

[111] Id. at 868.

[112] Id. at 876. A petition for a writ of certiorari was denied by the U.S. Supreme Court in 389 U.S. 840 (1967). The decision of the Fifth Circuit Court of Appeals was regarded by the Department of Health, Education, and Welfare as a green light for sticking to the guidelines established. Staff interview, June 1973.

In a letter of January 30, 1968, Lloyd Henderson, education branch chief of the Office for Civil Rights (OCR), indicated that the school district had submitted to HEW in the spring of 1967 a report of anticipated student and staff assignments for the 1967-68 school year. The letter also said that the Department had responded by taking note of the progress achieved in Prince George's County and by requesting that the school system submit by the start of the 1967-68 school year a plan for the reorganization of all its schools on a nonracial basis.[114]

The response Dr. Henderson referred to was not contained in the county central office files reviewed by Commission staff. Instead, there was a letter from the Acting Assistant Commissioner of the Equal Educational Opportunities Program, Harold Williams, notifying Superintendent Schmidt that: "The reports recently submitted on the status of desegregation in your district indicate that your system will remain in compliance with the Civil Rights Act of 1964 for the 1967-68 school year."[115] The letter went on to state:

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[113] Paul Nussbaum, Attorney, PGC Board of Education, staff interview, Jan. 14, 1974.

[114] Lloyd Henderson, Director, Elementary and Secondary Education Division, OCR, letter to William S. Schmidt, PGC Superintendent of Schools, Jan. 30, 1968.

> Our office is aware of the substantial progress in both pupil and faculty desegregation achieved by Prince George's County under your current plan, and of the recent efforts of your board to avoid resegregation in the Fairmont Heights area. We share your concern over the increase in Negro students attending all-Negro schools, stemming from changing residential patterns, and shall be glad to work with you in your effort to effectively deal with this problem.[116]

The Acting Assistant Commissioner concluded by indicating that no compliance review was contemplated during the coming school year "unless we receive a complaint about the operation of your plan or the actual progress falls below your estimates."[117]

Although the record of correspondence tends to support the view of county school officials that HEW was not responsive to the school system's inquiries, the whole question of the county's school desegregation and compliance must be viewed in a larger context. David Barus, former assistant to the Equal Educational Opportunities Director, said: "We, at HEW, felt that the Maryland school districts, by and large, ought to be able to make the transition from the dual school system without the footdragging that was going on in some Deep South districts."[118] Mr. Barus also stated that those Maryland districts that had implemented at least partial geographic zoning plans received a lower priority for attention by HEW than more hard-line districts.[119]

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[115] Harold Williams, Acting Assistant Commissioner, EEOP, HEW, letter to William S. Schmidt, PGC Superintendent of Schools, Aug. 11, 1967.

[116] Ibid.

[117] Ibid.

The letter of Acting Assistant Commissioner Williams to Superintendent Schmidt referred to a situation--resegregation in the Fairmont Heights area--that was a part of a greater phenomenon occurring in the county. This phenomenon had three parts: rapid expansion of low- and moderate-income housing for whites, especially in the outlying regions of the county; continued construction of federally-subsidized housing for blacks in certain communities inside the Beltway; and migration of black families into the county's central corridor.

The availability of housing in the outlying areas of the county encouraged white families to leave the central corridor where "blockbusting" was creating an unstable situation. The Prince George's County Board of Education itself had listened to testimony of a Mr. Kilpatrick as early as June 7, 1966, that the tactics of blockbusting were being practiced by some real estate firms in the county.[120] The Fair Housing Act, more properly known as the Civil Rights Act of 1968,[121] was not signed into law until

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[118] Staff interview, February 1974.

[119] Ibid.

[120] PGC Board of Education, Minutes, June 7, 1966.

[121] 42 U.S.C. §3601 et seq. (1970), and 18 U.S.C. §241 et seq.

April 11, 1968; furthermore, the Department of Housing and Urban Development has had limited success in ending housing discrimination.[122] The act probably came too late to provide relief from the situation that had developed in Prince George's County. (These housing trends are discussed in chapter 1.)

The correlation between racially segregated housing and segregated schools is apparent to the most uninitiated observer, particularly when a neighborhood school approach is used or when techniques capable of overcoming segregation are not used. Eleven of the county's 21 majority-black schools in 1967-68 were in the central corridor, a district comprising less than one-tenth of the total county land area.[123]

One former board member spoke critically of the board's failure to play a more active role in siting schools and drawing attendance areas:

> Schools in Prince George's County were obviously sited with the effect of perpetuating segregation. It is not true that the Maryland National Park and Planning Commission has ultimate authority on school siting. It merely recommends--the board has ultimate authority.[124]

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[122] U.S. Commission on Civil Rights, Twenty Years After Brown: Equal Opportunity in Housing (1975), p. 71.

[123] The central corridor is bounded by Route 50 on the north, Route 4 on the south, and the Capital Beltway on the east. Washington Center for Metropolitan Studies, "School Desegregation in Prince George's County" (Washington, D.C.: 1973), section "C," Analysis of Statistical Data Relating to School Utilization By Race.

[124] Staff interview, June 1973.

This person continued:

> Until recently, board members were habitually and woefully ignorant about the effects of siting on racial concentrations. The board didn't even have maps. They didn't ask questions about racial impact. Nobody conceived that they had any affirmative responsibility to consider racial impact. Ignorance coupled with unthinking assumption that old ways would be followed lay behind the systematic siting of schools and drawing of attendance areas in ways that perpetuated racial segregation.[125]

The Prince George's school system continued its rapid expansion in 1967-68. In that school year, when the school district completed implementation of the limited 1965 plan there were 9 additional schools and 12,978 new students, making a total of 199 schools serving 136,465 students. (See table 3.7.) Black students were 17,989 of the total or 13.2 percent. The number of all-black schools decreased to 5, but the number of schools 65 percent or more black held steady at 13. Of the total black enrollment, 43.8 percent attended 21 majority-black schools.

Of the 199 schools, white students were 95 percent or more of the enrollment in 106 schools (2 fewer than the previous year). These schools had 76,130 white students, 64.2 percent of all white students. Collectively, 127 schools were either majority black or at least 95 percent white; they had 84,016 students (5,049 more than the previous year).

Racial segregation among faculty members appeared to decline somewhat in 1967-68, although there continued to be majority-

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125. Ibid.

Table 3.7

RACIAL PROFILE OF SCHOOLS, 1967-68

Total schools	199
Total student enrollment	136,465
White	118,476
Black	17,989 (13.2 percent)
Percent black faculty	12.3

Schools 50 Percent Or More Black

	School	Black Enroll.	White Enroll.	% Black Enroll.	% Black Faculty
1.	Ardmore	309	136	69.4	49.0
2.	Beaver Hts.	664	---	100.0	89.1
3.	Carmody Hills	415	268	60.7	37.0
4.	Douglass	213	131	61.9	76.3
5.	Fairmont Hts.	855	---	100.0	81.6
6.	Glenarden Woods	539	---	100.0	82.6
7.	Highland Park	539	3	99.4	84.3
8.	Holly Grove	108	97	52.6	84.2
9.	Kenmoor	327	325	50.1	18.1
10.	Lakeland	110	11	90.9	38.8
11.	North Brentwood	147	---	100.0	90.7
12.	Oakcrest	396	25	94.0	76.9
13.	Orme	202	108	65.1	80.4
14.	Ridgecrest	141	98	58.9	18.1
15.	Seat Pleasant	275	209	56.8	57.4
16.	Tall Oaks	119	47	71.6	31.7
17.	Woodmore	116	111	51.1	20.0
18.	Fairmont Hts. SHS	928	---	100.0	88.7
19.	Gwynn Park J-SHS	398	376	51.4	28.7
20.	Bethune JHS	546	1	99.8	90.6
21.	T. Pullen JHS	539	189	74.0	34.6
		7,886 (43.8 percent of all black students)			

Schools 95 Percent Or More White

No.	White Enrollment	Mean % Black Faculty
106	76,130 (64.2 percent of white students)	3.98

127 schools 50 percent or more black and 95 percent or more white

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

black faculties in majority-black schools. Black faculty increased from 11.4 to 12.3 percent of total faculty. In the 1966-67 school year, 13 of the 19 majority-black schools had majority-black faculties. In the 1967-68 school year, 12 of the 21 majority-black schools had faculties that were more than 50 percent black. The mean percentage of black faculty in schools in which white students were at least 95 percent of the enrollment increased from 3.8 to 3.98 percent. Faculty segregation continued despite the prohibitions announced in the Jefferson decision and the requirements of the Department's guidelines.

In the 1967-68 school year, three schools[126] changed from majority white to majority black; one school changed from predominantly black to majority white; an all-black school was closed; and a new school opened with a 74 percent black enrollment. (See table 3.8.)

Ridgecrest Elementary, located close to Montgomery County and adjacent to northeastern Washington, D.C., appeared to be in a perennial state of flux. In 1965-66, this school had a majority-black enrollment and a 100 percent white faculty. The next year Ridgecrest's enrollment became majority white and the first two black faculty members were assigned to the staff. In 1967-68, the racial composition of the enrollment flipped once more and black students accounted for 58.9 percent of the total.

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[126] These schools were Ridgecrest and Carmody Hills Elementaries and Gwynn Park Junior-Senior High.

Table 3.8

RACIAL PROFILE OF SCHOOLS, 1968-69

Total schools	210
Total student enrollment	147,006
White	124,721
Black	22,285 (15.2 percent)
Percent black faculty	12.9

Schools 50 Percent Or More Black

	School	Black Enroll.	White Enroll.	% Black Enroll.	% Black Faculty
1.	Ardmore	362	71	83.6	32.1
2.	Beaver Hts.	61	---	100.0	76.4
3.	Carmody Hills	636	118	84.3	52.3
4.	Douglass	187	134	58.2	69.8
5.	Fairmont Hts.	853	---	100.0	72.1
6.	Glenarden Woods	516	2	99.6	70.1
7.	Glendale	294	237	55.3	16.5
8.	Highland Park	531	11	97.9	73.2
9.	J.E. Howard	402	250	61.6	---
10.	Lakeland	89	11	89.0	24.0
11.	North Brentwood	139	---	100.0	69.3
12.	Oakcrest	399	9	97.7	77.6
13.	Orme	203	99	67.2	60.4
14.	Palmer Park	666	274	70.8	12.6
15.	Ridgecrest	176	67	72.4	8.3
16.	Seat Pleasant	391	125	75.7	65.9
17.	Wm. Paca	612	260	70.1	33.2
18.	Fairmont Hts. SHS	908	---	100.0	90.2
19.	Gwynn Park JHS	266	229	53.7	42.8
20.	Gwynn Park J-SHS	183	163	52.8	34.3
21.	M. Bethune JHS	595	---	100.0	84.1
22.	Pullen JHS	648	178	78.4	51.5
		9,117 (40.9 percent of all black students)			

Schools 95 Percent Or More White

No.	White Enroll.	Mean % Black Faculty
103	73,717 (59.1 percent of all white students)	4.60

124 schools 50 percent or more black and 95 percent or more white

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

The attendance-area maps show that Ridgecrest's boundary was adjusted slightly in the 1967-68 school year.[127]

Gwynn Park Junior-Senior High School was the second school to shift from majority white to majority black in 1967-68. This school, located in the predominantly black, southeastern area of the county, had had an all-white enrollment until the 1958-59 school year when several black students enrolled under the county's "freedom-of-choice" plan.[128] From that time until 1965-66 when the desegregation plan was implemented, the proportion of black students ranged between 0.1 and 7.6 percent.[129] The black enrollment increased dramatically in 1965-66 and steadily thereafter until 1967-68, when blacks were 51.4 percent of the students and 28.7 percent of the faculty.

The third school to become majority black in 1967-68 was Carmody Hills Elementary. Located in the central corridor close to the District of Columbia boundary line, this school underwent rapid racial changes in a short period of time. During the first year of operation under geographic attendance zoning, Carmody Hills had a 20.5 percent black enrollment; in 1966-67, 29.6 percent;[130] Less drastic was the increase in black faculty--from

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[127] "School Maps."

[128] Statistics from "Report of Schools."

[129] Ibid.

[130] Ibid.

18.0 to 36.1[131] to 37.0 percent, respectively, in the 3 years. Although the attendance area for Carmody Hills was adjusted somewhat each year,[132] this fact, in and of itself, could not explain the rapid racial turnover at this particular school. Changing housing patterns in this area probably go a long way toward explaining the situation at Carmody Hills.

Arrowhead Elementary, which had opened majority black in 1966-67 and prompted much protest from the parents of the white children assigned there,[133] became majority white in 1967-68.[134] This change, presumably, was effected by an expansion of boundary lines and the addition of a white, noncontiguous attendance area.[135] The racial enrollment of Arrowhead changed from 72.5 to 45.8 percent black[136] over the 1-year period. The proportion of black faculty changed from 26.4 to 21.6 percent.[137]

In accordance with the provisions of the desegregation plan adopted in 1965, the school system closed all-black Lincoln

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[131] Ibid.

[132] "School Maps."

[133] Statistics from "Report of Schools."

[134] Ibid.

[135] "School Maps."

[136] Statistics from "Report of Schools."

[137] Ibid.

Elementary.[138] Having abolished Lincoln's noncontiguous attendance areas in 1966-67, the school district parceled out the remaining contiguous zone to three surrounding schools, all of which received additions in 1967-68.[139] In the same school year, the school system opened seven new schools and converted another to a special education facility. These schools and their racial compositions are depicted in table 3.9. As the table illustrates, the school district opened eight schools in 1967-68 that were more segregated than the system as a whole.[140]

On January 30, 1968, HEW official Lloyd Henderson wrote to Superintendent Schmidt about the compliance status of the Prince George's County school system.[141] The first two paragraphs of that letter said:

> After reviewing the Report of Anticipated Student and Staff Assignments for the 1967-68 school year (Forms OE 7001-02) which your school system submitted last spring, the Department advised you that your school system appeared to be making adequate progress for the current school year toward the complete elimination of its dual school structure.
>
> We also advised you, however, that there appeared to be no significant obstacles to the complete elimination of your system's

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138. "Plan for Desegregation." See also, "Report of Schools." See discussion above, pp.

139. "Plan for Desegregation" and "Report of Schools."

140. "Report of Schools."

141. Lloyd Henderson, Director, Elementary and Secondary Education Division, OCR, HEW, letter to William S. Schmidt, PGC Superintendent of Schools, Jan. 30, 1968.

> dual school structure, and requested that your school system submit by the start of the 1967-68 school year a plan for the reorganization of all its schools on a non-racial basis. Our files indicate your school system has not yet submitted the requested plan thus raising doubt about whether it will be in compliance with Title VI of the Civil Rights Act of 1964 for the 1968-69 school year.[142]

Dr. Henderson then notified the superintendent of the "probable initiation of non-compliance proceedings against your school system if adequate steps are not taken to achieve compliance for the next school year." He concluded the letter by indicating that the Office for Civil Rights would soon conduct a compliance review of the Prince George's County school system.

NEW GUIDELINES AND NEW LEGAL STANDARDS

During the period of HEW involvement with the Prince George's County school system, constitutional law and guidelines issued under Title VI were in a constant state of flux. Almost every successive set of HEW guidelines through 1968 reflected more demanding requirements that were affirmed by subsequent decisions of the courts.[143] In March 1968, 2 months before the United States Supreme Court issued another important school desegregation decision, HEW issued new guidelines amending and

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[142] Ibid.

[143] See e.g., U.S. v. Jefferson County Board of Education, 372 F.2d 836 (5th Cir. 1966), aff'd en banc 380 F.2d 385 (5th Cir. 1967), cert. denied sub nom Caddo Parish School Board v. U.S., 389 U.S. 840 (1967); Green v. County School Board of New Kent County, 391 U.S. 430 (1968).

Table 3.9

NEW SCHOOLS OPENED, 1967-68

Students

New Schools	White	Black	% Black Enroll.	% Black Faculty
Allenwood Elementary	466	0	0	5.7
Bond Mill Elementary	562	1	.1	0
Lincoln Special (converted)	41	2	4.6	40
Melwood Elementary	712	0	0	37.7
Montpelier Elementary	603	9	1.4	0
Valley View Elementary	572	0	0	0
Yorktown Elementary	651	8	1.2	3.7
Thos. Pullen JHS	189	539	74.0	34.6

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

superseding those issued 2 years earlier.[144]

Subpart C of the guidelines, applicable to school systems eliminating a dual structure pursuant to a voluntary desegregation plan, stated:

> A school system which has maintained a system of separate school facilities for students based on race, color, or national origin has the affirmative duty under law to take prompt and effective action to eliminate such a dual structure and bring about an integrated unitary school system....Where the steps taken by a school system under a voluntary desegregation plan to eliminate its dual structure have not proven effective,

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144. "The Revised Statement" was issued in March 1966 and amended in December 1966. In March 1968, new guidelines called "Policies on Elementary and Secondary School Compliance with Title VI of the Civil Rights Act of 1964" were issued. (Hereafter cited as "Policies on Compliance.")

> compliance with the law requires the school system to adopt and carry out an effective plan. Generally school systems should be able to complete the reorganization necessary for compliance with the law by the opening of the 1968-69 or, at the latest, 1969-70 school year.

When applied to Prince George's County, the new guidelines required that the school system adopt and implement a terminal desegregation plan in September 1968, although a 1-year extension could be granted.

Under subpart D, "The HEW Title VI School Compliance Program," school systems that receive Federal assistance must submit periodic reports on their compliance with Title VI as well as the assurance of compliance. Where review of these reports indicates noncompliance with the assurance statement and Title VI, the Office for Civil Rights is obligated to make every reasonable effort to achieve voluntary compliance through negotiation. Should efforts at negotiation fail and a school system refuse to correct practices contrary to its assurance of compliance and Title VI, the Department initiates administrative enforcement proceedings to determine the district's compliance status. Following a determination of noncompliance, an order for termination of the school system's Federal financial assistance is issued. If the administrative enforcement proceeding is not invoked, the matter may be referred to the Department of Justice with a recommendation for appropriate legal action.[145]

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145. 45 C.F.R. §80.8-80.10 (1974).

On May 27, 1968, the Supreme Court reversed the decision of the U.S. Court of Appeals for the Fourth Circuit in the case of Green v. County School Board of New Kent County.[146] The Court reaffirmed the burden of school boards to devise desegregation plans that would be effective. Speaking for the Court, Justice Brennan stated, "The burden on a school board today is to come forward with a plan that promises realistically to work, and promises realistically to work now."[147]

On July 22, a team of six persons from the Regional Office for Civil Rights began an onsite review of Prince George's County to determine the school district's compliance status. Superintendent Schmidt and members of his staff met with the Federal officials on July 25. In a letter of the same date to State Superintendent Sensenbaugh, Mr. Schmidt summarized the "essential elements" of the meetings as follows:

> 1. Currently our school district has eight all-Negro schools, of which six are elementary and two are secondary.
>
> 2. The Board of Education, by its own voluntary action, will eliminate two of the elementary schools during the 1968-69 school term.
>
> 3. This will leave six all-Negro schools, which are as follows:
>
> Fairmont Heights Senior High School
> Bethune Junior High School
> Beaver Heights Elementary School
> Fairmont Heights Elementary School

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[146] 391 U.S. 430 (1968).

[147] Id. at 439.

Highland Park Elementary School
Glenarden Elementary School[148]

Mr. Schmidt stated that the six above-named schools were "segregated because of the housing pattern existing in the community from which the children come." He also indicated his understanding that the county board of education would be cited for noncompliance unless a plan for the desegregation of these six schools was submitted by September 1, 1968, for implementation by September 1969.

The first "essential element" of the discussion between Federal and county school officials held that "currently" there were "eight all-Negro schools."[149] The enrollment statistics provided by the board show that in 1967-68 five schools were all-Negro (100 percent) and four others were between 90 and 99 percent black.[150] In addition, 12 schools had black enrollments of between 50 and 89 percent. The superintendent's letter to Dr. Sensenbaugh revealed that, in addition to using the phrase "all-

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[148] William S. Schmidt, PGC Superintendent of Schools, letter to J. Sensenbaugh, Maryland Superintendent of Schools, July 25, 1968.

[149] Two of these, Lakeland and North Brentwood, were already scheduled for elimination. "Plan for Desegregation."

[150] The five schools that were 100 percent black and their years of opening were: Beaver Heights Elementary, 1956; Fairmont Heights Elementary, 1934; North Brentwood Elementary, 1924; Glenarden Woods, 1960; and Fairmont Heights Senior High School, 1950. The four schools whose composition ranged between 90 and 95 percent black were: Highland Park Elementary, opened 1928; Oakcrest Elementary, 1966; Lakeland Elementary, 1928; and Mary Bethune Junior High School, 1961. Statistics from "Report of Schools."

Negro schools" very loosely, the reviewing team was addressing itself to the elimination of only six "Negro" schools. The school system kept notes of the discussion, the following passage of which shows another facet of the meeting:

> Mr. Mamarella (HEW): Do you have any other questions, except what to do?
>
> Mr. Schmidt: We are not denying that we have 8 Negro schools, and we are going to close 2.
>
> Is what we are doing just a piecemeal method of solving our problem?
>
> This county took a massive problem of selling the public on geographical boundaries. People were sold that the neighborhood school concept would be the end of the desegregation problems. Now you are saying that it is not enough.
>
> Mr. Mamarella: Times change. The recent decision on the City of Norfolk....
>
> Mr. Schmidt: We are merely asking: Will we never be through? It would look like we will never solve the problem, because there will be change from year to year.
>
> Mr. Mamarella: The biggest problem is that 8 schools are there and nothing was done when they were all black and still are.
>
> Mr. Schmidt: But when the Board sent in its plans, it received approval.
>
> Mr. Mamarella: Laws like this went out for particular times and specific periods. Times change and

conditions change.

Mr. Schmidt: I know that my Board wants to know what will happen if in 1970 we still have desegregated (sic) schools? We want to look at it on a long range basis.

Mr. Mamarella: You have only one all-Negro high school and one junior high.

Mr. Schmidt: That is right. We will have four all-Negro elementary schools.

Mr. Mamarella: If the Negro junior and [senior] high schools were closed as all-Negro schools, this would solve your problem.

Mr. Schmidt: What do we do with the elementary schools?

Mr. Mamarella: I don't know the answer. Has the Board seriously considered closing these high schools?[151]

The statement by the HEW representative--"If the Negro junior and [senior] high schools were closed as all-Negro schools, this would solve your problem"--was very significant in light of subsequent events.

On July 26, 1968, the Regional Office for Civil Rights Director[152] affirmed the findings of the review team and stated to Superintendent Schmidt, "Your district's desegregation plan based on existing geographic attendance zones, as it has been implemented, has not been an effective means of completely desegregating your schools." The letter concluded by saying that administrative enforcement proceedings might be started should the Prince George's County school system fail to adopt and implement a plan to eliminate all vestiges of the dual school system by August 20, 1968.

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[151] Notes from meeting with HEW representatives, July 25, 1968; pp. 3-4.

[152] Eloise Severinson, Director, OCR, Region III, letter to William S. Schmidt, PGC Superintendent of Schools, July 26, 1968.

In response to a request from Superintendent Schmidt, the Regional Office for Civil Rights, on August 9, granted the school district an extension of time for development of a terminal desegregation plan.[153] The Acting Director of the Regional Office for Civil Rights also communicated with the Regional Equal Educational Opportunities Division Director (Title IV), who agreed to provide the school district with technical assistance.[154] On August 27, 1968, Superintendent Schmidt received a "Desegregation Plan for the Public School System in Prince George's County as Recommended by the Division of Equal Educational Opportunities of the U.S. Office of Education." "In order to remove all vestiges of a segregated school system and be considered in compliance with the Civil Rights Law of 1964," the

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153. The school district was given additonal time not to extend beyond December 31, 1968. In the matter of Board of Education of Prince George's County and Maryland State Board of Education and Prince George's County, Maryland [Administrative Proceedings, DHEW Docket No. S-25, Proposed Findings of Fact and Conclusions of Law and Order, p. 85, point Number 66.] (Government Ex. P-6, tr. May 17, 1972, pp. 80-82 Gerard Direct).

154. Ibid.

Division of Equal Educational Opportunities suggested the following changes:

1. Fairmont Heights S.H.S.
   to be closed by June 1969 and its entire student body and staff assigned to Bladensburg and Central Senior High Schools.

2. Mary Bethune J.H.S.
   to be closed by June 1969 and its student body and staff transferred to Bladensburg, Kent, Key, and Maryland Park Junior High Schools.

3. Lakeland Elementary
   to be closed by June 1969 and its personnel (students and faculty) assigned to Berwyn Elementary.

4. North Brentwood Elementary
   to be closed by June 1969 and its personnel (students and faculty) assigned to Brentwood Elementary.

5. Glenarden Woods Elementary
   to be paired with Dodge Park Elementary by September 1969.

6. Beaver Heights, Fairmont Heights, Highland Park and Oakcrest[155] Elementaries should make the following changes effective September 1969:

   A. The faculties of these schools should be 50% white with special emphasis on "assigning competent teachers" to these schools.

   B. Remedial instruction in reading, arithmetic, science, etc., should be available to needy students.

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[155] The reader will note the inclusion of Oakcrest Elementary for the first time on the list of schools for which some remedy must be devised.

> C. Music, art and other cultural subjects should be available on an "increased load basis."
>
> D. Class size should be kept to a maximum of 25 students.
>
> E. Team teaching and all other innovative techniques should be used to lift the quality of instruction.[156]

There is an inconsistency between the desegregation proposals offered by the Regional Title IV Office and the rationale put forth by the Regional OCR for a terminal desegregation plan. The July 26 letter stated that there were eight all-Negro schools remaining as vestiges of a dual school system.[157] The proposals developed by the Title IV Office would eliminate five of these by June 1969 but allow the other three, plus the recently opened and predominantly black Oakcrest, to remain. In lieu of integration, the remaining "Negro" schools would receive more "competent" teachers and some curricular improvements. In addition, the proposals called for closing two secondary schools, which were still in use in the 1973-74 school year. No consideration was given to the remaining majority-black schools. The plan simply was inadequate to eliminate the vestiges of the dual system.

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[156] "Desegregation Plan for Public School System in Prince George's County as Recommended by the Division of Equal Educational Opportunities of the U.S. Office of Education," Aug. 27, 1968, PGC Board of Education files.

[157] Eloise Severinson, Director, OCR, Region III, letter to William S. Schmidt, PGC Superintendent of Schools, July 26, 1968.

The Title IV Office's proposals were not long-lived. On September 17, they were presented to the board of education, which decided to present the proposals to the affected communities in public meetings in early November.[158] On November 5, 1 day before the 1968 Presidential election, HEW notified the school district that the proposals had been withdrawn. According to the Department, "Review of the proposal by the Office of General Counsel disclosed that several recommendations could not be supported by materials and data collected by the review team, and the proposal was withdrawn upon agreement with the superintendent that the proposal would be revised and resubmitted on the basis of additional information to be prepared by his staff."[159]

The decision to withdraw the Title IV Office's proposal was explained by a Government witness, David Gerard, a Regional Title VI official, during the subsequent HEW administrative hearing on allegations of noncompliance against the Prince George's County Board of Education. Disclosing that the proposals had been withdrawn after public disclosure of them and community reaction against them, Mr. Gerard stated:

> The Superintendent who initially received the plan turned it over to his administrative staff for review, and subsequent to that the

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[158] Title VI Office, OCR, Region III, "Proposal for School Desegregation Plan, Prince George's County, Maryland," Apr. 3, 1969. (Hereafter cited as "Desegregation Proposal, 1969.")

[159] Staff interview, June 1973.

> Administration planned to hold a public hearing on the proposals presented to them. The public hearing, I believe, was scheduled for November of 1968. In the meantime, the provisions of the plan had been made public through the press, and there was a good deal of community opposition that it came to the attention of the Washington Director of the Equal ...[Educational Opportunities] Program, one Dr. Gregory ...[Anrig], who questioned the validity of the desegregation plan which had been presented by Mr. Franchina's staff.[160]

Under cross-examination Mr. Gerard said: "There was a [community] reaction which was communicated, I believe, to Mr. Schmidt. I do believe at one time Mr. Schmidt went so far as to announce his concern to either Senator Brewster or Senator Tydings."[161] In earlier testimony, Mr. Gerard had taken pains to make it clear that "community attitudes toward desegregation [were] probably the least convincing argument that we hear."[162] He also said that he did not mean to "imply that the United States Senator had contacted anybody in this Department, but rather that Mr. Schmidt may have contacted the Senator."[163] Counsel for the school district questioned the witness as to the necessity for mentioning the factors of "community reaction" and

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160. HEW Administrative Hearing, David Gerard--Direct, May 17, 1972, p. 85.

161. Ibid., David Gerard--Cross, May 17, 1972, p. 193.

162. Ibid., p. 192.

163. Ibid., p. 194.

"political pressures" if indeed those reactions could not cause withdrawal of the desegregation proposals. Mr. Gerard replied that his discussions about community pressure related to the procedures used by staff operating under Title VI and the proposals involved were prepared by Title IV staff.[164] The appearance of part of the proposals in the press, when called to the attention of the Title IV Director, resulted in his decision that the proposals needed reworking.[165]

ANOTHER YEAR, ANOTHER PROPOSAL

The enrollment statistics for the 1968-69 school year[166] once again showed tremendous growth in the county school system. The number of schools increased to 210[167] and the number of new students by 10,541, providing a total enrollment of 147,006. Black students were 22,285 of the total, or 15.2 percent. There were 22 majority-black schools enrolling 40.9 percent (9,117) of the black students.[168] Seventeen of these schools were more than 65 percent black. Five of the 22 schools were 100 percent black.

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[164] Ibid., p. 193.

[165] Ibid.

[166] Statistics from "Report of Schools."

[167] Schools newly opened in 1968-69 and their enrollments: Chapel Forge--462 white, 2 black; Concord--663 white, 32 black; John E. Howard--250 white, 402 black; Robert Frost--497 white, 1 black; Rockledge--424 white, 64 black; Rose Valley--462 white, 19 black; Templeton--685 white, 44 black; Waldon Woods, 250 white, 25 black; Benjamin D. Foulois Junior High, 795 white, 51 black; Gwynn Park Junior High--229 white, 266 black; Parkdale Senior High--1,739 white, 24 black; Thomas Johnson Junior High--555 white, 257 black. Statistics from "Report of Schools."

In the 1968-69 school year, when the Green decision called for a plan which promised to "work now," there were 124,721 white students in the county school system. Of these students, 73,717 (59.1 percent) were in 103 schools whose enrollments were at least 95 percent white. There were 124 schools that were either majority black or at least 95 percent white and enrolling 82,834 students.

Racial segregation among faculty members continued to decline, yet in 13 schools black teachers were at least 50 percent of the faculty in 1968-69. The mean percentage of black faculty in 95 percent white schools rose from 3.98 to 4.60 percent. Despite the holding of the Jefferson decision and the requirements of HEW's guidelines, racial segregation grew in Prince George's as the county school system continued to expand.

In the fall of 1968, the school system began a project designed to develop a quality educational program based upon community participation in a framework of decentralized mini-schools. The mini-school system was proposed for a portion of the central corridor where the largest number of majority-black schools was to be found.[169]

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[168] Schools that became majority black for the first time in 1968-69 were Greendale, John E. Howard, Palmer Park, and William Paca Elementary Schools. Statistics from "Report of Schools."

One of the first findings of the project committee was that a number of schools in the project area were underutilized in terms of student enrollment. Conversely, many nearby predominantly white schools, which were outside the project area, were overcrowded. The paramount illustration of this utilization discrepancy occurred on the junior high school level, where there was a net surplus of 681 seats in the 10 junior high schools combined. Predominantly white Bladensburg Junior High School, located just outside the project area, was 433 pupils over capacity. Neighboring all-black Mary Bethune Junior High School, inside the project area, had 385 unused spaces.[170]

One member of the project committee, J. Paul Tonetti,[171] raised the issue of racial segregation in regard to the scope of the project. In a letter dated December 12, 1968, to committee chairman Gilbert Schiffman, Mr. Tonetti said:

> My over-riding concern is not with the concept, but with the area for which the concept is applied. I wonder whether the project may reinforce the segregated nature

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[169] In 1968-69, 14 of the 22 majority-black schools were clustered in the central corridor. Statistics from "Report of Schools."

[170] Ibid.

[171] Mr. Tonetti, an employee of the Maryland State Board of Education, served on the committee at the request of Superintendent Schmidt.

> of the predominantly Negro schools and in effect, result in "gilding the ghetto."[172]

Mr. Tonetti further suggested, "the innovativeness of the project would gain an added dimension, in my opinion, if one of the project's goals was to insure a quality, integrated educational program serving a population which was represented by all socioeconomic levels as well as races."[173]

While not totally responsive to Mr. Tonetti's concerns about racial and socioeconomic segregation, the committee did see fit to address the issue of classroom space utilization. The committee recommended that the board of education redraw school attendance boundaries so as to eliminate inequities of utilization in all schools of the system.[174] The board debated the recommendation, listened to the views of citizen opponents and proponents, and decided to maintain the existing boundaries.[175] That decision assured that overcrowding would continue in some schools and that another opportunity for providing desegregated education would be lost.

The Regional Office for Civil Rights submitted on April 3, 1969, a set of desegregation recommendations to the Prince George's County Board of Education "for their study and use in the development of a plan for school desegregation to take effect in September of 1969."[176] The tenets of the plan were:

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[172] J. Paul Tonetti, letter to Gilbert B. Schiffman, Dec. 12, 1968, PGC Board of Education files.

[173] Ibid.

[174] Staff interview, July 1973.

[175] Ibid.

1. For 1969-70, students currently assigned to vocational programs for Fairmont Heights Senior High School should be reassigned to Bladensburg Senior High as full-time students and enrolled in the vocational programs offered there.
2. For 1969-70, the Negro schools--Fairmont Heights Senior High, Mary Bethune Junior High, Beaver Heights Elementary, Fairmont Heights Elementary, Glenarden Woods Elementary, Highland Park Elementary, and Oakcrest Elementary--may continue to enroll pupils from their defined attendance areas. Students not residing within the defined attendance areas of these schools may not be permitted to transfer except under one condition.[177]
3. For 1969-70, the administration should assign staff so that the schools are not identifiable as being Negro or white because of the composition of the faculty.
4. For 1969-70, the North Brentwood and Lakeland Elementary Schools should be eliminated as all-Negro schools, whether by closing, a method the board of education has already adopted, or by another method, such as reorgani-

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[176] Eloise Severinson, Director, OCR, Region III, letter to William S. Schmidt, PGC Superintendent of Schools, Apr. 3, 1969.

[177] Upon request, any student should be permitted to transfer from a school where students of his or her race are a majority to any other school where students of his or her race are a minority.

zation of the grade structures of these and nearby elementary schools or revision of attendance zones to eliminate the racial identity of the schools.

5. For 1970-71, grades 10, 11, and 12 of Fairmont Heights Senior High should be withdrawn from the school and the students reassigned to other high schools in the system through establishment of attendance zones that would reapportion the existing attendance zones for Fairmont Heights Senior High.

6. For 1970-71, the Fairmont Heights Senior High plant should be used as a junior high school to serve grades seven, eight, and nine, and an attendance zone established to include Columbia Park and the area north of John Hanson Highway, east of the Baltimore-Washington Expressway and south of Landover Road.

7. For 1970-71, Mary Bethune Junior High may be used as an elementary school containing grades K-six or as a middle school containing grades four-six, in conjunction with Beaver Heights and Fairmont Heights Elementary Schools.

8. For 1970-71, the elementary schools--Beaver Heights, Fairmont Heights, Highland Park, Glenarden Woods, and Oakcrest--may continue to draw pupils from existing attendance areas. However, the administration should continue to assign faculty of demonstrated exceptional competence on a basis other than race so that the schools may not be identifiable as being Negro or white because of

the composition of the faculty.

9. The board of education should continue to develop its plan for establishment of a model urban high school but should avoid considering such a project as a substitute for desegregation of Fairmont Heights Senior High.

10. The board of education should continue to develop means to eliminate completely the effects of de jure segregation. The board should be aware that under this plan the school district would continue to maintain all-Negro schools; it should be alert to the posibility of resegregation. HEW will be available to assist the board in fulfilling its continuing legal responsibility with regard to these problems.[178]

The submission of this second desegregation proposal represented a further retreat by the Department of Health, Education, and Welfare from the desegregation policy enunciated in the March 1968 guidelines. Those guidelines stated that, "school systems should be able to complete the reorganization necessary for compliance with the law by the opening of the 1968-69 or, at the latest, 1969-70 school year."[179] The letter of July 26, 1968,[180] set a deadline of September 1969 for adoption and implementation of a plan "adequate to eliminate all vestiges of the dual school system." The desegregation recommendations of April 3, 1969, would have extended that deadline by a full year.

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[178] "Desegregation Proposal, 1969."

[179] "Policies on Compliance, 1968," Subpart C-11, p. 7.

[180] Eloise Severinson, Director, OCR Region III, letter to William S. Schmidt, PGC Superintendent of Schools, July 26, 1968.

The July 26 letter also addressed itself to eight "all-Negro" schools--the maintenance of which constituted continuance of a dual school system. Whereas the first set of HEW proposals would have permitted four "all-Negro" schools to remain, the new set of proposals would have permitted at least six "all-Negro" schools to continue in operation. Neither the first nor the second proposal contained remedies for the numerous majority-black schools operated by the system. Furthermore, as clearly indicated in the 10th provision of the newer proposals, the Department was not demanding that a terminal plan be implemented. This omission was in direct contradiction to HEW's guidelines and to the letter of July 26, 1968. Finally, the more recent proposals were out of line with the pronouncement of Green, which obligated the school board "to come forward with a plan that promises realistically to work, and promises realistically to work now."[181]

Before responding fully to HEW's second set of recommendations, the county board of education posed several questions to the Regional Office for Civil Rights.[182] The first concerned

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181. 391 U.S. 430, 439 (1968).

182. William S. Schmidt, PGC Superintendent of Schools, letter to Eloise Severinson, Director, OCR, Region III, May 22, 1969.

the inclusion of Oakcrest Elementary on the list of "all-Negro" schools to be desegregated. This school, which opened with a 94 percent black enrollment in 1967-68, had not been listed in HEW's original proposal. Since the school opened with both white and black students in attendance, the board had regarded it as a desegregated school. The board asked whether it must assume responsibility for desegregating the school when it became "segregated" at some future date as a result of changing housing patterns.

The second question concerned construction plans for a school to be located in the urban renewal section of the all-black Town of Glenarden. School officials reasoned that, since the housing in this community was segregated, it logically followed that the school's enrollment would reflect the same racial pattern. This question expressed the board's concern that it was unable to desegregate schools in situations where de facto segregated housing existed. There were no artificial techniques presented for desegregating the proposed school. The board asked whether construction of the proposed facility would be a violation of the Civil Rights Act of 1964.

On June 3, 1969, the Prince George's County Board of Education issued a point-by-point response to HEW's proposal of April 1969.[183] That proposal and the board's responses are paraphrased below.

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183. "Response to School Desegregation Plan for Prince George's County as Originally Presented by Title VI, Office for Civil (cont.)

1. The first recommendation provided for transferring the Fairmont Heights vocational program to Bladensburg Senior High. The board rejected this recommendation and cited these reasons:

    a. The overcrowded general education program at Bladensburg that would result from the transfer of the Fairmont Heights vocational program.

    b. The majority-to-minority transfer policy allows Fairmont Heights' students to enroll at Bladensburg if they care to do so.

    c. Closing the vocational program at Fairmont Heights would further fragment the educational program and lead to ultimate dismemberment of the school.

2. The board accepted the second recommendation, which provided that "the six remaining Negro schools[184] may continue to enroll students from their defined attendance areas," but there should be strict adherence to the defined areas.

3. The third recommendation called for eliminating (in 1969-70) the racial identity of schools as it related to

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(183 cont.)
Rights, Region III," adopted by the PGC Board of Education for submission to HEW, June 3, 1969. (Hereafter cited as "County Response to HEW.")

[184] As indicated earlier, there were not 6 but 22 schools identifiable as Negro schools by virtue of their majority-black enrollments. See table 3.18.

faculty. The board's response was that "the composition of any specific school staff shall be made without reference to the racial characteristics of the administrators and teaching personnel." The board stated, further, its understanding from the Office for Civil Rights that "these faculty changes be made as resignations and the normal transfer process occur within succeeding school years and that this recommendation by HEW does not propose that teachers are to be (involuntarily) uprooted from their present teaching assignments..."[185]

4. For the 1969-70 school year, HEW recommended elimination of North Brentwood and Lakeland as all-Negro schools. The board's response was to close North Brentwood and to redraw the boundary lines for Lakeland, Berwyn, and College Park schools. The projected enrollment at Lakeland would be 43.3 percent black.

5. HEW's proposal provided for continued operation of Fairmont Heights Senior High in 1969-70, but for its closing the following year. The board rejected this recommendation for the following reasons:

   a. To close Fairmont Heights Senior High would represent a waste of a multimillion dollar resource.

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185. As mentioned earlier, the 1965 "guidelines" had general provisions for faculty desegregation. These provisions were made more specific by both the 1966 and 1968 guidelines. See "Guidelines," Sec. V,B; "Revised Statement"; and "Policies on Compliance."

b. The Model Cities personnel have emphatically opposed closing the one senior high school in the Model Cities area.

c. The opening of the new Largo Senior High will not sufficiently relieve crowding at Bladensburg and Central Senior Highs to enable Fairmont Heights students to be assigned there. "In addition, this proposal would require at least a total of 10 buses to disperse the Fairmont Heights enrollment and seems to be based on an artificial means of obtaining desegregation rather than a basic premise of what constitutes quality education."

d. The board believes that the urban cooperative high school concept is viable at Fairmont Heights and that white pupils will be attracted in numbers great enough to satisfy desegregation concerns.

6. HEW's recommendation to convert Fairmont Heights Senior High to a junior high was negated by the board's refusal to close the facility as a senior high school.

7. HEW recommended that in 1970-71 Mary Bethune Junior High be converted to an elementary (K-six) or to a middle school containing grades four-six. The board's response was to make Mary Bethune a middle school, thus enabling innovative techniques to be introduced at Fairmont Heights and Beaver Heights Elementary Schools.

8. The board's response to HEW's recommendation on

reassignment of faculty in all-Negro schools was answered in its response to recommendation no. 3; namely, a gradualist approach based upon voluntary reassignment.

9. Recommendation no. 9, concerning the urban cooperative high school project at Fairmont Heights Senior High, was answered by the board's reply to recommendation no. 5.

10. HEW's final recommendation urged the board to develop means to eliminate completely the effects of de jure segregation. The board registered deep concern about the long-range implications of this recommendation in view of the rapidity with which formerly white schools were becoming predominantly black. The board concluded its response by stating that "changing housing patterns are occurring so rapidly that it seems impossible to maintain desegregated schools without resorting to artificial measures which have nothing to do with the educational process or the regard for individual rights or the quality of educational programs for children."[186]

Of the nine substantive recommendations submitted by HEW in its second desegregation proposal, the board of education rejected four, accepted three in part, and accepted the other two with nullifying qualifications.

The board refused to deal with the desegregation of Fairmont Heights Senior High School in terms other than voluntary, as evidenced by adoption of the urban cooperative high school concept. Two of the Department's recommendations concerned elimination of racial identity as it related to faculty assignment. The board accepted HEW's recommendations in principle but proposed an ineffective means for accomplishing the objective. By refusing to reassign teachers so as to relieve faculty segregation, the board indicated its unwillingness to accept responsibility for remedying this situation. In acceding to the board's request that it be allowed to reassign teachers as vacancies occurred, the Office for Civil Rights abdicated its responsibility to enforce the law.

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[186] "County Response to HEW."

One month after the board's written response to the Regional Office for Civil Rights, Superintendent Schmidt notified the Regional OCR Director that the board had adopted a plan at its June 24 meeting. The four provisions of the plan were:

1. Close North Brentwood Elementary. North Brentwood students assigned to Hyattsville, Brentwood and Thomas S. Stone schools.
2. Desegregate Lakeland Elementary by redrawing the boundary lines for Lakeland, Berwyn and College Park schools.
3. Adopt the Harvard plan for a voluntary urban cooperative high school at the Fairmont Heights Senior H.S. facility.
4. Convert Mary Bethune Junior H.S. to a middle school (grades 6-8) thus permitting installation of Head Start programs and conversion to K-5 grade

> alignment at Beaver Heights and Fairmont Heights Elementary schools.[187]

As submitted by the superintendent on July 3, the board's plan contained neither timetables nor projected racial enrollments. In commenting upon the board's action, Superintendent Schmidt said, "In substance, the board has approved virtually all of the recommendations contained in your original communication..." The superintendent concluded by reaffirming the board's commitment to work with county, State, and Federal officials in finding a solution to the Fairmont Heights Senior High School situation, which the board felt was the crux of the problem.[188]

Also on July 3, 1969, the Departments of Justice and Health, Education, and Welfare issued a joint statement on "new, coordinated procedures" to achieve the "goal of finally ending racial discrimination in schools, steadily and speedily, in accordance with the law of the land."[189] Concerning deadlines for implementation of terminal desegregation plans, the statement read:

> Accordingly, it is not our purpose here to lay down a single arbitrary date by which the desegregation process should be completed in

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[187] William Schmidt, PGC Superintendent of Schools, letter to Eloise Severinson, Director, OCR, Region III, July 3, 1969.

[188] Ibid.

[189] Statement by Robert H. Finch, Secretary of Health, Education, and Welfare, and John N. Mitchell, Attorney General, July 3, 1969.

> all districts, or to lay down a single, arbitrary system by which it should be achieved. A policy requiring all school districts, regardless of the difficulties they face, to complete desegregation by the same terminal date is too rigid to be either workable or equitable... In general, such a plan must provide for full compliance now--that is, the "terminal date" must be the 1969-70 school year.[190]

In analyzing the entire statement, Leon Panetta, Director of the Office for Civil Rights at that time, stated: "But aside from the rhetoric of commitment, the statement clearly did away with the deadlines, and there was no question as to how the press would read it."[191] He continued: "The point I've been trying to make for the last five months is that you can't do away with the deadlines and not weaken the guidelines."[192]

On July 29 in a closed board of education meeting, discussions took place with representatives of the Regional Office for Civil Rights concerning the board's newly adopted plan. Saying that the plan had been neither accepted nor rejected, the Regional Director pointed out that the plan did not guarantee desegregation at Fairmont Heights Senior High. Following an expression of intention by the board "to encourage actively" students outside of the present attendance area of Fairmont

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190. Ibid.

191. Leon Panetta and Peter Gall, Bring Us Together: The Nixon Team and the Civil Rights Retreat (Philadelphia: Lippincott, 1971), p. 216.

192. Ibid., p. 217.

Heights Senior High to apply for enrollment in the urban cooperative program commencing in September 1970, the Regional OCR representatives tentatively accepted these provisions as an interim plan. The construction program of the board, underway at the time and involving Largo Senior High and Walker Mill Junior High, was considered the second portion of the plan.[193] Under this phase, the board would adjust the attendance areas of all of the schools affected in the first phase of the plan when the Largo and Walker Mill facilities opened in the 1970-71 school year. Projected racial enrollments, however, were not provided.

Before these provisions could jell, another issue arose. The Regional OCR Director wrote to Superintendent Schmidt on September 2 setting forth what she understood to be the provisions of the board's adopted plan[194] and expressing concern as to whether the Mary Bethune facility would be desegregated. As desegregation of Bethune was central to the acceptability of the plan, the Regional Director suggested that this school could

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193. PGC Board of Education, Minutes, July 29, 1969.

194. (1) In 1969-70, closing North Brentwood; desegregating Lakeland. (2) In 1969-70, eliminating racial identification of schools through racial composition of faculties. (3) In 1969-70, revising the academic program at Fairmont Heights Senior High School to provide for model urban high school. (4) In 1970-71, completing Largo Senior High School and Walker Mill Junior High School to allow redrawing of boundary lines for Fairmont Heights Senior High School and eliminating its identifiability as an all-Negro school. (5) In 1970-71, redrawing attendance zone of Mary Bethune so that some students would be reassigned to desegregated junior high schools. The school itself could continue with an all-Negro student body.

be desegregated through rezoning. She indicated that she needed assurance that the school district would "undertake every feasible measure to achieve desegregation in all secondary school facilities by the opening of the 1970-71 school term." The Regional Director then requested "specific information regarding the boundaries and the predicted number of white students" to be assigned to Fairmont Heights Senior High and Mary Bethune Junior High.[195]

On September 11, Superintendent Schmidt offered assurance that information about techniques, procedures, and statistical data would be submitted to the Regional OCR as soon as it became available. He provided no date for submission of this information but assured the Federal officials that the board would meet its compliance responsibilities by redrawing boundary lines should the model urban high school plan fail to alter the all-Negro racial identity of Fairmont Heights Senior High. Regarding Mary Bethune Junior High, the superintendent contended that redistricting would probably compel conversion of Mary Bethune from a middle school[196] to a junior high, resulting in one of two detrimental alternatives: (1) returning the sixth grade to Fairmont Heights and Beaver Heights Elementary Schools,

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195. Eloise Severinson, Director, OCR, Region III, letter to William S. Schmidt, PGC Superintendent of Schools, Sept. 2, 1969.

196. In accordance with an earlier desegregation proposal adopted by the board for the 1969-70 school year, Mary Bethune Junior High School had been converted to a middle school.

thus negating some innovative programs underway there; or (2) increasing class sizes at Bethune, thus negating some concepts attempted at the middle school.[197]

Two weeks later, on September 25, the Regional OCR Director once again requested information on the attendance zones for Fairmont Heights Senior High and the proposal for desegregation of the Bethune facility. In setting a deadline of November 10, the Regional Director recommended that the requested information and proposal be a part of a formally adopted desegregation plan and be as "specific as your resources permit in terms of boundary lines, enrollments, and the numbers of white pupils assigned." In concluding, she stated that "these facts are the essence of a desegregation plan, without which the requirements for compliance are not met."[198]

Shortly after receiving the Regional Director's request for additional information on boundary lines, enrollments, and so on, the pupil accounting department of the county school system released its enrollment data for the 1969-70 school year. (See table 3.10.) Those data showed both considerable growth and a sharp increase in the number of majority-black schools. Table 3.11 contrasts the more significant changes that occurred between

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197. William S. Schmidt, PGC Superintendent of Schools, letter to Eloise Severinson, Director, OCR, Region III, Sept. 11, 1969.

198. Eloise Severinson, Director, OCR, Region III, letter to William S. Schmidt, PGC Superintendent of Schools, Sept. 25, 1969.

Table 3.10

RACIAL PROFILE OF SCHOOLS, 1969-70

Total schools	221	
Total student enrollment	155,281	
White	128,538	
Black	26,743	(17.2 percent)
Percent black faculty	15	

Schools 50 Percent Or More Black

	School	Black Enroll.	White Enroll.	% Black Enroll.	% Black Faculty
1.	Ardmore	554	50	91.7	52.1
2.	Arrowhead	336	154	68.5	39.2
3.	Beaver Hts.	532	---	100.0	79.0
4.	Carmody Hills	678	103	86.8	54.8
5.	Columbia Park	439	311	58.5	43.7
6.	Douglass	168	163	50.7	68.0
7.	Fairmont Hts.	628	1	99.8	77.5
8.	Glenarden Woods	606	---	100.0	79.9
9.	Glendale	366	186	66.3	38.2
10.	Highland Park	514	12	97.7	67.8
11.	J.E. Howard	392	250	61.0	---
12.	Kenmoor	536	199	72.9	37.7
13.	Lakeland	84	59	58.7	28.3
14.	Lyndon Hill	356	251	58.6	33.5
15.	Marlboro	232	190	54.9	37.1
16.	Matt. Henson	618	51	92.3	27.8
17.	Oakcrest	408	6	98.5	81.3
18.	Orme	167	35	82.6	68.8
19.	Palmer Park	570	138	80.5	16.8
20.	Randolph Village	541	176	75.4	50.9
21.	Ridgecrest	198	37	84.2	37.0
22.	Seat Pleasant	447	47	90.4	71.3
23.	Wm. Paca	843	84	90.9	38.5
24.	Central SHS	621	552	52.9	13.3
25.	Fairmont Hts. SHS	958	---	100.0	79.5
26.	Gwynn Park JHS	278	269	50.8	50.5
27.	Gwynn Park SHS	194	166	53.8	34.2
28.	Kent JHS	841	507	62.3	39.9
29.	M. Bethune JHS	832	---	100.0	73.7
30.	Maryland Park JHS	645	379	62.9	28.7
31.	T. Pullen JHS	884	193	82.0	52.9
		15,466 (57.8 percent of all black students)			

Schools 95 Percent or More White

No.	White Enroll.
99	72,388 (56.3 percent of all white students)

130 schools 50 percent or more black and 95 percent or more white

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

Table 3.11

CHANGES IN SCHOOL SYSTEM, 1968-69--1969-70

	1968-69	1969-70	Change
No. of schools	210	211	+11
No. of students	147,006	155,281	+8,275
White (no.) (%)	124,721 (84.8)	128,538 (82.8)	+3,817 (-2%)
Black (no.) (%)	22,285 (15.2)	26,743 (17.2)	+4,458 (+2%)
Percent black faculty	12.9	15.0	+2.1
No. 100 percent black schools	5.0	4.0	-1
No. schools 65 percent black	17	21	+4
No. majority-black schools	22	31	+9
No. black students in majority-black schools	9,117	15,466	+6,349
% black students in majority-black schools	40.9	57.8	+16.9
No. schools 95 percent or more white	103	99	-4
No. white students in 95 percent + white schools (%)	73,717 (59.1)	72,388 (56.3)	-1,329 (-2.8)
No. schools either majority-black or 95 percent + white	124	130	+6
No. students in above categorized schools	82,834	87,854	+5,020
Mean percent black faculty in 95 percent + white schools	4.60	5.35	+.75

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

the 1968-69 and 1969-70 school years.

The enrollment statistics illustrate the extent to which the "voluntary" desegregation provisions were effective. North Brentwood Elementary School was closed and its enrollment was divided among three schools--Thomas Stone, Hyattsville, and Brentwood. Of the three, only Brentwood had a black enrollment as high as 29 percent in 1969-70. Lakeland was to be desegregated by redrawing the boundary lines among Berwyn, College Park, and Lakeland schools. Despite the boundary adjustments, Lakeland continued as a majority-black school in 1969-70.[199] The other two schools, College Park and Berwyn, had one black student between them.[200] The board committed itself to a voluntary, urban cooperative high school at the Fairmont Heights Senior High facility. In terms of inducing white students to enroll at the school, the program was a singular failure; not one white student enrolled in the 1969-70 school year. As planned, the Mary Bethune Junior High facility was converted to a middle school, and new programs were started at Beaver Heights and Fairmont Heights Elementary Schools.[201] Among these three schools, only Fairmont Heights Elementary had even one white student.

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199. Lakeland had 84 black students and 59 white students for a majority-black enrollment percentage of 58.7.

200. Statistics from "Report of Schools."

201. This action was taken in accordance with an earlier desegregation proposal adopted by the board for the 1969-70 school year; Bethune Junior High had been converted to a middle school. See Severinson letter, note 176, above.

In summary, these "voluntary" desegregation provisions--which did not represent a formal plan approved by the Department of Health, Education, and Welfare--resulted in the closing of one all-black school, North Brentwood. Fairmont Heights Senior High and Mary Bethune middle school remained 100 percent black in terms of student enrollment. Their faculties were 79.5 and 73.7 percent black, respectively. Although Lakeland received some white students, it remained a majority-black school.

On October 29, 1969, the United States Supreme Court issued another significant decision on school desegregation. The case, known as Alexander v. Holmes,[202] concerned 30 Mississippi school districts, which for years had successfully delayed desegregation and now sought to postpone the date for submission of desegregation plans as ordered by the U.S. Court of Appeals for the Fifth Circuit. The districts were joined by the U.S. Departments of Justice and Health, Education, and Welfare, marking the first time since Brown that the Government had opposed the black plaintiffs in a school desegregation case.[203] When the court suspended its order, the plaintiffs appealed to the Supreme Court and were vindicated by the Court's finding:

> The question presented is one of paramount importance, involving as it does the denial of fundamental rights to many thousands of school children, who are presently attending Mississippi schools under segregated

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[202] 396 U.S. 19 (1969).

[203] Panetta and Gall, Bring Us Together, p. 297.

> conditions contrary to the applicable decisions of this Court. Against this background the Court of Appeals should have denied all motions for additional time because continued operation of segregated schools under a standard of allowing "all deliberate speed" for desegregation is no longer constitutionally permissible. Under explicit holdings of this Court the obligation of every school district is to terminate dual school systems at once and to operate now and hereafter only unitary schools.[204]

The Court held that dual school systems must be terminated "at once" and that desegregation orders were not to be stayed during the appeal process.[205] School boards must desegregate first and litigate later.

Against the background of Alexander, representatives of the Regional Office for Civil Rights met with members of the Prince George's County Board of Education on November 7, 1969, to discuss, once again, "desegregation of the remaining all-Negro schools in Prince George's County, with particular reference to Fairmont Heights Senior High School and Mary Bethune Junior High School."[206] Three basic alternatives for desegregating Fairmont Heights Senior High were presented by a representative of the pupil accounting department; those alternatives were:

> (1) redrawing boundary lines and retaining the facility as a senior high school.

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[204] 396 U.S. 19, 20 (1969).

[205] Id. at 21.

[206] In the 1969-70 school year, the Mary Bethune facility was used as a middle school. See p. 226.

(2) closing the facility and reassigning its students, or

(3) closing the facility as a senior high school and establishing a vocational program.[207]

The participants also discussed difficulties involved in desegregating the Mary Bethune facility.[208] In response to a board member's question about the rationale of "requiring the desegregation of a walking junior high school and not requiring the desegregation of a walking elementary school," a Regional OCR representative responded:

> As I recall our last conversation, our explicit proposal in placing our original plan was that many of the de jure segregated schools be desegregated as soon as possible. Bethune is a ...school, where there has been transportation to the school and where the children are of an age where transportation does not meet the criteria of a neighborhood school. Our reasons ...[were] not so much that the elementary schools were walking schools but that they were also neighborhood schools and did involve the younger children, and if there is to be a cutoff point where we could make a concession, it would be at the

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[207] PGC Board of Education, Minutes, Nov. 7, 1969.

[208] As noted in Superintendent Schmidt's letter of Sept. 11, 1969, to Dr. Severinson, the desegregation of the Mary Bethune facility through redistricting would probably compel conversion of that facility from a middle school to a junior high school resulting in one of two detrimental alternatives: "1. returning the sixth grade to Fairmont Heights and Beaver Heights elementary schools, thus negating some innovative programs underway there, or 2. increasing class sizes at Bethune, thus negating concepts attempted at this middle school."

> division between the elementary and secondary school.[209]

The Department of Health, Education, and Welfare incorrectly held *sub silentio* that there were de facto segregated schools in Prince George's County--schools in which segregation is not the result of state action. Since segregation was mandated by State law in Maryland before *Brown*, and the Prince George's County Board of Education had never eliminated all vestiges of its dual school system, the entire system was said to be de jure segregated. Moreover, the Department's position was doubly capricious in light of the requirements that had been promulgated recently in the *Alexander* decision.

The meeting ended when the two parties reached an understanding that the board had until November 17 to adopt and submit a plan that would include desegregation provisions for Fairmont Heights Senior High as well as the Mary Bethune facility. If an acceptable plan were not submitted by that date, the Regional OCR would recommend to the Office for Civil Rights headquarters that the case be transferred to the Office of General Counsel for initiation of administrative enforcement proceedings.

The board of education's attorney, Paul Nussbaum, on November 11 provided some legal advice to the board about the differences between Titles IV and VI of the Civil Rights Act of

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[209] PGC Board of Education, Minutes, Nov. 7, 1969, which quoted David Gerard, OCR official.

1964, the state of desegregation law on transportation of students, enforcement action available to the Secretary of HEW, and the applicability of these subjects to Fairmont Heights Senior High and Mary Bethune. Mr. Nussbaum told the board that the Attorney General of the United States, under Title IV, could file suit, pursuant to the written request of any aggrieved party, alleging that the county was operating a dual school system. The board was advised that, if it adopted the presently contemplated plans concerning the two schools in question, the board should "inform the citizenry of Prince George's County that its decision was not predicated solely upon the question of withdrawal of Federal funds but rather upon an overall consideration of what is legally required to be done under the Civil Rights Act of 1964."[210]

Regarding transportation of students in desegregation cases, the board's lawyer pointed out that "the issue of busing...relates itself not so much on who is bused where but instead the issue is strictly one of why."[211] When the legality of busing pupils has been questioned in Federal courts, the courts have consistently ruled the underlying purpose behind the busing was solely "to carry out the constitutionally required action of dismantling the dual system."[212]

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[210] Paul Nussbaum, PGC Board of Education Attorney, Memorandum to PGC Board of Education, Nov. 11, 1969.

[211] Ibid.

As far as the legal status of Fairmont Heights Senior High and Mary Bethune was concerned, Mr. Nussbaum concluded that, based upon the historical origins of the two schools, the former would probably be considered a de jure segregated school and the latter a de facto segregated school.[213] The board, if it chose to do so, could eliminate segregation in both schools by busing. In the case of Mary Bethune, the use of busing to eliminate de facto segregation might be found illegal unless based upon the board's determination that it was eliminating segregation and/or guaranteeing "equal protection."

Finally, Mr. Nussbaum advised the board that its action should not be based upon either the threat of Federal fund termination or the personal viewpoints of individuals. "Instead, the Board's final action should be predicated solely upon the individual Board Member's own interpretation of what constitutes compliance under the terms and provisions of the Civil Rights Act of 1964."[214]

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[212] The U.S. Supreme Court subsequently clarified the question of whether transportation of students was a permissible remedy in Swann v. Charlotte-Mecklenburg Board of Education, 402 U.S. 1, 29 (1971).

[213] The Fairmont Heights facility was constructed in 1949 as a junior-senior high school for Negro students. The Mary Bethune facility, although not built until 1962--8 years after the Brown decree--opened with a student enrollment 100 percent black, absorbing the junior high students of Fairmont Heights Junior-Senior High School. Mary Bethune's attendance zone coincided with that of Fairmont Heights. In effect, Mary Bethune became an extension of Fairmont Heights. Statistics from "Report of Schools" and "School Maps."

THE BOARD ADOPTS A PLAN

During its meeting of November 11, 1969, the Prince George's County Board of Education adopted a plan for desegregation of Fairmont Heights Senior High and Mary Bethune.[215] Based on redrawing of boundaries, the plan also affected either directly or indirectly the attendance zones of the following schools: Bladensburg, Central, DuVal, Frederick Sasscer, Largo, Parkdale, Potomac, and Suitland Senior Highs; and Benjamin Tasker, Bladensburg, Francis S. Key, Kent, Maryland Park, Thomas Johnson, Thomas Pullen, Walker Mill, and William Wirt Junior Highs.

Some 4,500 students were to be reassigned according to the provisions of the plan.[216] The plan was submitted to the Regional OCR on November 14.[217] Five days later, the Regional Director notified Superintendent Schmidt that she had been authorized to accept the plan.[218]

On November 25, the board authorized the superintendent to request technical assistance and aid under Title IV of the Civil

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214. Paul Nussbuam, PGC Board of Education Attorney, Memorandum to PGC Board of Education, Nov. 11, 1969.

[215] PGC Board of Education, Minutes, Nov. 11, 1969.

[216] Ibid. On the senior high level, 2,500 students were reassigned; 2,000 on the junior high level. The plan had no bearing on elementary school students.

[217] William S. Schmidt, PGC Superintendent of Schools, letter and attachment to Eloise Severinson, Director, OCR, Region III, Nov. 14, 1969.

[218] Eloise Severinson, Director, OCR, Region III, letter to William S. Schmidt, PGC Superintendent of Schools, Nov. 19, 1969.

Rights Act of 1964.[219] Writing to Leon E. Panetta, Office for Civil Rights Director in Washington, Superintendent Schmidt referred to "the tremendous amount of ...[resentment] which is building up in our county regarding the board's plan for the integration of Fairmont Heights High School and Mary Bethune Junior High School."[220]

The boundary committee of the school district reviewed the adopted plan and proposed two minor modifications of boundary lines that affected Parkdale and DuVal Senior Highs and Thomas G. Pullen and Thomas Johnson Junior Highs.[221] These modifications were submitted to HEW and quickly approved, based upon the understanding between the supervisor of pupil accounting and the Regional Office for Civil Rights Director that the changes would enhance rather than retard desegregation.[222] Table 3.12 shows how the senior high schools involved in the plan were affected in regard to capacity and total enrollment. According to the plan's projections, the over-capacity situation at Bladensburg would be relieved while Fairmont Heights would receive additional students and operate much closer to capacity. On the other hand, Central,

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[219] William S. Schmidt, PGC Superintendent of Schools, letter to Leon Panetta, Director, OCR, Dec. 1, 1969.

[220] Ibid.

[221] William S. Schmidt, PGC Superintendent of Schools, letter to Eloise Severinson, Director, OCR, Region III, Jan. 9, 1970.

[222] Eloise Severinson, Director, OCR, Region III, letter to William S. Schmidt, PGC Superintendent of Schools, Feb. 13, 1970.

Table 3.12

PROJECTED ENROLLMENTS AT HIGH SCHOOLS FOR 1970-71

		Enrollment	
Schools Affected	Capacity	9/30/69	Projected 9/70
Bladensburg	2,325	2,407	1,869
Central	995	1,173	1,295
Fairmont Heights	1,314	958	1,134
Parkdale	1,800	2,664	2,557
Potomac	1,768	1,468	1,692
Suitland	2,191	2,204	2,324

Source: Eloise Severinson, Director, OCR, Region III, letter to William S. Schmidt, Prince George's County Superintendent of Schools, Feb. 13, 1970, p.4.

Parkdale, and Suitland Senior Highs would all operate above capacity.[223]

The racial composition by grade at Fairmont Heights Senior High projected for school year 1970-71 was: grade 10, 288 whites, 197 blacks; grade 11, 249 whites, 188 blacks; grade 12, no whites, 212 blacks.[224] Fairmont Heights was projected as majority black in 1970-71, since 12th grade students were allowed to remain at the school they had attended the previous year. In the 1971-72 school year, however, Fairmont Heights would become

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223. Ibid., p. 4. The pupil accounting department provided no statistics on racial enrollments for the involved schools other than Fairmont Heights Senior High School and Mary Bethune Junior High School. The record provides no indication that HEW sought this information.

224. Ibid., p. 2.

Table 3.13

PROJECTED ENROLLMENTS AT JUNIOR HIGH SCHOOLS FOR 1970-71

		Enrollment	
Schools Affected	Capacity	9/30/69	Projected 9/70
Bladensburg	1,141	1,224	1,035
Kent	1,215	1,348	1,246
Maryland Park	819	1,024	901
Mary Bethune	969	832	907
Thomas Johnson	1,217	905	1,021
Thomas Pullen	894	1,077	1,293

Source: Eloise Severinson, Director, OCR, Region III, letter to William S. Schmidt, Prince George's County Superintendent of Schools, Feb. 13, 1970, p. 11.

majority white if the desegregation plan were successfully implemented.

Capacity and enrollment statistics as projected for the 1970-71 school year among the affected junior high schools are shown in table 3.13. Every junior high school, with the exception of Thomas Pullen, would have its enrollment adjusted closer to its rated capacity. As far as the Mary Bethune facility was concerned, the projected enrollment by race and by grade for 1970-71 was: grade 7, 170 whites, 135 blacks; grade 8, 168 whites, 165 blacks; grade 9, 144 whites, 125 blacks.[225]

On December 1, 1969, the U.S. Court of Appeals for the Fifth Circuit, in Singleton v. Jackson Municipal Separate School

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[225] Ibid., p. 11.

District,[226] ordered the named defendant and 15 companion school district appellees as follows:

> Effective not later than February 1, 1970, the principals, teachers, teacher-aids and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969-70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.[227]

PREPARATION FOR IMPLEMENTATION

Shortly after notification that the school district's plan had been accepted by HEW, two groups organized to smooth the way for successful implementation of the desegregation plan. The first group, the board of education's "Sub-committee on Recommendations for Desegregation," reported by December 5 on steps it believed the superintendent and the board of education should follow.[228] The sub-committee emphasized the importance of strong leadership:

> Any reading in the realm of school desegregation in other areas will make it crystal clear that one major ingredient necessary for

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226. 419 F.2d 1211 (5th Cir. 1969), cert. denied, 396 U.S. 1032 (1970).

227. 419 F.2d 1211, 1217 (5th Cir. 1969).

228. The members of the subcommittee were JoAnn Goldsmith, Jesse Warr, and Ruth Wolf.

> success is ACTIVE and POSITIVE leadership of the word and deed. It is the obligation of this board to provide the leadership.[229]

The sub-committee made some general recommendations in the broad areas of school and community relations. It urged the superintendent to:

1. request Federal technical assistance[230]
2. set up coordinating committees of personnel from schools most affected by the plan
3. quickly submit budgetary requests for plant equipment, etc. to the Board
4. bring affected teaching staffs together with PGC Education Association to secure cooperation in planning and implementation
5. name a citizens' advisory committee to advise the Board
6. prepare a booklet of information, facts and answers to frequently asked questions
7. convene a meeting of community organizations and agencies to gain their input

Concurrently, the sub-committee urged the board of education to provide some new directions in policy:

1. establish policy that there shall be a Director of Human Relations, and fill that position as soon as possible

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[229] Sub-committee on Recommendations for Desegregation, Memorandum to PGC Board of Education, Dec. 5, 1969.

[230] This recommendation had already been executed as of Dec. 1, 1969. William S. Schmidt, PGC Superintendent of Schools, letter to Leon Panetta, Director, OCR, Dec. 1, 1969.

2. establish policy that there shall be a Director of Coordination of Plans for Desegregation
3. establish policy that schools in need should have after-school activities bus
4. review the status of the Fairmont Heights Planning Group.[231]

According to the members of the sub-committee, neither the superintendent nor the board as a whole responded to the recommendations.[232] The sub-committee's members indicated, however, that the recommendations were a part of a new trend in terms of the relationship between the superintendent and the board.[233] This view was confirmed by some earlier members of the board, who testified to the rather passive role the board had traditionally played. One former board member said, "The board rubber-stamped Superintendent's Schmidt's decisions; he prepared the board's agenda."[234] This pattern began to change when Superintendent Schmidt, on May 13, 1969, announced his intention to retire from office.[235] Another factor bearing upon this changing relationship

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231. Sub-Committee on Recommendations for Desegregation, Memorandum to PGC Board of Education, Dec. 5, 1969.

232. Staff interview, July 1973.

233. Traditionally, the Governor of Maryland appointed members to the Prince George's County Board of Education. An act of the State legislature passed in 1973 provided for election of the board. The first election was held in November 1973.

234. Staff interview, June 1973.

235. Superintendent Schmidt announced his retirement effective June 30, 1970. See Resolution Approved by the Board of (cont.)

was increasing community interest in educational issues, particularly those concerned with desegregation. As several board members related, this community interest forced the board to be more responsive to the wishes of the citizenry.[236]

Although the superintendent did not respond to the subcommittee and its recommendations, there was a striking similarity between the recommendations and the actions of the superintendent in the months following adoption of the new desegregation plan. As already indicated, the superintendent requested Title IV technical assistance on December 1. On the same date, he appointed the "Superintendent's Advisory Committee,"[237] which came to be known as the "SAC." Of the committee's initial 33 members,[238] 7 were black; none of the black members served as an officer or headed a subcommittee.[239] In view of the importance attached to successful implementation of the plan by both black and white communities, the underrepre-

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(235 cont.)
Education, Honors Dr. William S. Schmidt and also see Reporting on Meeting of the Board of Education of Prince George's County, Reporting No. 83, Feb. 20, 1970.

[236] Staff interviews, June-July 1973.

[237] Robert Shockley was named chairperson; George Robinson was appointed cochairperson. Superintendent's Advisory Committee, Minutes, Dec. 16, 1969, p. 1.

[238] Ibid. Subsequent appointments to the committee were made. Superintendent's Advisory Committee, Minutes, Jan. 8, 1970, p. 1.

[239] Staff interview, June 1973.

sentation of blacks on the committee would appear highly inappropriate.

The SAC was challenged "to develop detailed procedures to provide for a smooth transfer of students in the 13 schools which are affected by school boundary changes, as outlined in the plan approved for the desegregation of Fairmont Heights Senior High School and Mary Bethune Junior High School."[240] The SAC began its work by identifying problems it thought must be solved and by adding persons it considered vital to the success of its mission. Two of these individuals were Kathleen Rahanek, supervisor of senior high school guidance, and Charles Wendorf, supervisor of pupil accounting; in addition, Edward Brown, education specialist from HEW, began serving as a consultant to the committee.[241]

Although the SAC was charged with canvassing the community in its efforts to discover potential areas of trouble, its leaders cautioned members about the need for confidentiality and restraint from speaking publicly on any of the issues under consideration.[242] The SAC organized into four subcommittees that reflected the problems identified as most critical: staffing, curriculum, community relations, and student transfer.[243] Of the

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240. PGC Board of Education, "Report of the Superintendent's Advisory Committee," Mar. 10, 1970.

241. Superintendent's Advisory Committee, Minutes, Jan. 8, 1970, p. 1.

242. Ibid.

243. Superintendent's Advisory Committee, Minutes, Dec. 16, 1969, p. 1.

four problem areas identified, student transfers subsequently proved critical.

The student transfer subcommittee was to concern itself with student activities, program planning, registration, scheduling, orientation, and policies and procedures for student transfers.[244] On February 24, 1970, the SAC presented and the board approved a revised student transfer policy.[245] The revised policy differed in one respect from the old transfer policy approved in June 1965. According to the 1965 policy,[246] a pupil could request a transfer from his or her assigned school for reason of "Inability...to adjust to the environment of the school." Such a reason had to be validated by the division of pupil services after an investigation of the situation. The "inability to adjust" provision was dropped from the revised policy.[247]

The SAC presented its report on March 10. Each subcommittee issued recommendations and detailed procedures for accomplishing the stated goal of a peaceably-implemented desegregation plan.[248]

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[244] Ibid., p. 5.

[245] PGC Board of Education, Minutes, Resolution 84-70, Feb. 24, 1970, p. 4.

[246] "Plan for Desegregation," p. 2. The only reasons that warranted investigation for consideration in such requests were: "Inability of the student to adjust to the environment of the school that is validated by a recommendation from the Division of Pupil Services."

[247] "Report of the Superintendent's Advisory Committee," pp.23-28.

Increased community awareness of the desegregation plan and related issues prompted group, organizational, and community response to the plan. Two of the community organizations that took a public stance on the desegregation plan were the Committee for Improved Community Relations and Citizens for Action. The responses of these organizations represent divergent points of view, but they illustrate the kind of emotional and political climate found in the affected communities.

The Committee for Improved Community Relations was an organization of volunteer citizens whose paramount concern was the "increased community tension and anxiety surrounding issues involving race." The group was sponsored by the Prince George's County Mental Health Association, with the financial assistance of the Eugene and Agnes D. Meyer Foundation. On February 25, 1970, the committee issued a "Statement on School Boundary Dispute" in which it affirmed the correctness of the board's decision to adopt the Fairmont Heights-Mary Bethune desegregation plan, cited relevant court decisions to substantiate the point, and pointed out the connections between a good community and good schools.

The committee noted that society had changed immensely over the course of a generation and that "a complete education requires a student body, representing all aspects of society, which can function as a whole." The committee concluded its statement by asserting that the Cheverly-Fairmont Heights[249] area had a tremendous potential for satisfying needs for a "balanced, healthy and meaningful community," and that "there are many signs to indicate that realistic people in both communities are going to show the County and maybe even the Country just how it is done."[250]

Writing to Francis Aluisi, Chairman of the Prince George's County Commissioners, Citizens for Action President Nicholas Eny expressed the opposition of his group to the board's plan providing for "forced busing."[251] Referring to an investigation of the group's leaders that had shown the plan's opponents were merely "expressing their rights," Mr. Eny called for an investigation of the "leadership of the minority factions responsible for the promulgation and promotion of this forced busing/racial balance plan..."[252] He named the minority factions as the "Maryland State Human Relations Commission, The Coalition for School Desegregation and affiliates, and, of course, the

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248. Ibid.

[249] Cheverly, a predominantly white community, is adjacent to Fairmont Heights although separated from it by Route 50, also known as John Hanson Highway.

[250] Committee for Improved Community Relations, "Statement on School Boundary Dispute," Feb. 25, 1970.

[251] N. R. Eny, President, Citizens for Action, Inc., letter to Francis J. Aluisi, Chairman, PGC Commission, Sept. 9, 1970.

[252] Ibid.

School Board members who initially conceived and now promote the plan."[253]

During the spring and summer of 1970, these and other groups and individuals made their positions known on the school desegregation plan.[254] Those opposed to the plan took comfort in the fact that the Nation's Chief Executive had spoken out against busing students to achieve desegregation.[255] Those favoring the plan relied on several decisions of Federal courts that supported their views. Meanwhile, the school system continued activities designed to smooth the transition to desegregation. One of these activities was a 2-day workshop on human relations for 350 teachers and administrators from the schools affected by the desegregation plan.[256] A workshop was also held for guidance counselors.[257] In addition, a full-time human relations officer was appointed to assume supervision of the desegregation project.[258] On July 1, 1970, Superintendent Schmidt's resignation became effective and Carl W. Hassel assumed the superintendency.[259]

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[253] Ibid.

[254] Staff interview, June 1973.

[255] Statement by the President on Elementary and Secondary School Desegregation, Mar. 24, 1970.

[256] Planning Meeting for Human Relations Workshop, July 16-17, 1970.

[257] Ibid.

[258] Staff interview, June 1973.

In late June, the Regional Office for Civil Rights requested a projection of student enrollment and faculty assignment, by race, for each of the county's schools in the 1970-71 school year.[260] An initial projection for Fairmont Heights Senior High and Mary Bethune Junior High had been submitted at the time of the plan's adoption (November 11, 1969). That initial projection was that Fairmont Heights Senior High would enroll 537 white and 597 black students. The initial projection for Mary Bethune Junior High School was 482 white and 425 black students. The new July projections differed markedly from the earlier ones: Fairmont Heights Senior High--376 white students, 548 black--a decline of 161 white students and 49 black; Mary Bethune--340 white, 510 black--a decline of 142 white students and an increase of 75 black students.[261]

In submitting these statistics, Superintendent Hassel indicated that they were only a projection that was subject to

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259. PGC Board of Education, Minutes, Resolution 292-70, pp. 8-9. See also, Reporting on Meetings of the Board of Education of Prince George's County, Reporting No. 90, p. 7.

260. Eloise Severison, Director, OCR, Region III, letter to William S. Schmidt, PGC Superintendent of Schools, June 29, 1970.

261. PGC Public Schools, "Secondary Projected Enrollment for Staff and Pupils, By Race, 1970-71," July 22, 1970, pp. 1-2.

change by the opening date of school.[262] The school district offered no explanation for the discrepancy between the November 1969 and July 1970 projections, nor did the Department ask for one. In addition to Fairmont Heights and Mary Bethune, the school district projected that three other senior high schools and five other junior high schools would have majority-black enrollments in 1970-71.[263] Twenty-one elementary schools were also projected to have all-black or majority-black enrollments.[264]

The final board of education meeting before the opening of school for the 1970-71 school year was held on August 25. At that meeting, George H. Robinson, assistant superintendent for administration, briefed the board and the audience on procedures developed for handling student disruptions and disturbances. Commenting upon the preparations for the opening of the school year, Superintendent Hassel stated, "I am optimistic that schools even in the area[s] that have been given so much publicity will

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262. Carl W. Hassel, PGC Superintendent of Schools, letter to Eloise Severinson, Director, OCR, Region III, July 24, 1970.

263. Secondary schools projected as majority black in 1970-71 were: Central, Gwynn Park, and Largo Senior Highs; and Kent, Bethune, Maryland Park, Thomas Pullen, Thomas Johnson, and Walker Mill Junior Highs. PGC Public Schools, Pupil Accounting Department, "Secondary Projected Enrollment for Staff and Pupils, By Race, 1970-71," July 22, 1970, pp. 1-2.

264. PGC Public Schools, Pupil Accounting Department, "Elementary Projected Enrollment for Staff and Pupils, By Race, 1970-71," July 22, 1970, pp.1-7.

open with tranquillity....We are looking forward to a tranquil and profitable opening."[265]

At the next board meeting (September 8), Assistant Superintendent Robinson characterized the beginning of classes as a "very fine opening in most of our schools. All except two of the schools had an almost better than average opening, and we think that much of the reason for this was due to the preplanning by the principals."[266] In two schools, the opening of classes had not been so peaceful. These two schools, Largo Senior High and Walker Mill Junior High, were new schools; both had enrollments at least 50 percent black. According to Mr. Robinson:

> The opening at Largo Senior high school was marred by student unrest and confrontation up until but not including Friday of the first week.... Among the conditions that contributed to the problem were the lack of some textbooks, the lack of a public address system, and the fact that cafeteria facilities were not yet in operation.[267]

The situation at Walker Mill Junior High had been, apparently, less severe. Mr. Robinson described the climate as "tense" but did not indicate that any disruptions had occurred.[268]

In the 1970-71 school year, the Prince George's school district operated 228 schools serving 160,801 students. (See

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265. PGC Board of Education, Minutes, Aug. 25, 1970.

266. PGC Board of Education, Minutes, Sept. 8, 1970.

267. Ibid.

268. Ibid., p. 3.

table 3.14.) The number of black students had climbed to 31,929, or 19.9 percent of all students. Thirty-three of the schools were majority black; 24 of the majority-black schools were more than 65 percent black. (In the previous school year, 31 schools were majority black.) One school, Fairmont Heights Elementary, was 100 percent black.[269] The 33 majority-black schools enrolled 18,042 black students who represented 56.5 percent of all black students.

White students were at least 95 percent of the enrollment in 90 schools (9 less than the year before). These schools enrolled 66,169 white students, 51.3 percent of all white students. In the previous school year, 72,388 white students were enrolled in such schools.

The school enrollment statistics, released by the pupil accounting department in October 1970, also showed the extent to which the system's desegregation plan had been sucessfully implemented. The school system had projected in November 1969 that 537 white students would enroll at Fairmont Heights Senior High in 1970-71; by July 1970, that projection had decreased to 376. When the counting had been completed, Fairmont Heights Senior High had 185 white and 524 black students in 1970-71. Similarly, the school system had first predicted that 482 white students would attend Mary Bethune Junior High; that prediction

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[269] Four schools were 100 percent black in the previous school year.

Table 3.14

RACIAL PROFILE OF SCHOOLS, 1970-71

Total schools	228	
Total student enrollment	160,801	
White	128,872	
Black	31,929	(19.9 percent)
Percent black faculty	16.1	

Schools 50 Percent Or More Black

School	Black Enroll.	White Enroll.	% Black Enroll.	% Black Faculty
1. Ardmore	653	36	94.7	79.0
2. Arrowhead	348	163	68.1	32.6
3. Beaver Hts.	566	1	99.8	76.2
4. Doswell Brooks	318	315	50.2	54.2
5. Carmody Hills	688	65	91.3	75.5
6. Columbia Park	581	209	73.5	48.7
7. Fairmont Hts.	694	---	100.0	73.9
8. Glenarden Woods	572	3	99.4	68.4
9. Greendale	487	133	78.5	48.8
10. Highland Park	599	19	96.9	75.0
11. J.E. Howard	463	182	71.7	---
12. Kenmoor	582	129	81.5	49.0
13. Lyndon Hill	377	206	64.6	44.4
14. Matt. Henson	711	42	94.4	39.3
15. Oakcrest	498	3	99.4	34.0
16. Orme	175	45	79.5	47.0
17. Palmer Park	544	84	86.6	34.6
18. Patuxent	249	226	52.4	27.0
19. Randolph Village	576	107	84.3	46.1
20. Ridgecrest	417	73	85.1	33.1
21. Seat Pleasant	465	29	94.1	71.0
22. Wm. Paca	938	44	95.5	51.0
23. Woodley Knoll	300	283	51.4	26.9
24. Central SHS	826	412	66.7	27.1
25. Fairmont Hts. SHS	524	185	73.9	61.1
26. Gwynn Park SHS	197	185	51.5	25.5
27. Kent JHS	1,007	215	82.4	54.7
28. Largo SHS	688	454	60.2	25.4
29. M. Bethune JHS	449	318	58.5	61.4
30. Maryland Park JHS	798	177	81.8	43.9
31. T. Pullen JHS	602	138	81.3	66.1
32. T. Johnson JHS	633	585	51.9	19.8
33. Walker Mill JHS	517	305	62.8	39.4
	18,042 (56.5 percent of all black students)			

Schools 95 Percent Or More White

No.	White Enroll.	Mean % Black Fac.
90	66,169 (51.3 percent of all white students)	5.92

123 schools 50 percent or more black and 95 percent or more white

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

was subsequently adjusted to 340. Actual enrollment at Mary Bethune Junior High in 1970-71 was 318 white and 449 black students. The faculties of these schools were 61.1 and 61.4 percent black, respectively. Despite the fact that the board adopted and HEW approved a desegregation plan that did not begin to deal with the actual extent of racial segregation in the Prince George's County schools, the extremely limited objective of the Fairmont Heights-Mary Bethune plan could not be realized because of the changed enrollments.

Although board members and administrators differed about the reasons for failure of the Fairmont Heights-Mary Bethune desegregation plan, they were in nearly unanimous agreement that the ensuing controversy was a watershed in the history of school desegregation in Prince George's County.[270] From this point forward, there would be irrevocable splits on the board on virtually every issue pertaining to desegregation. At times, the controversy would spill into other areas.

To understand the difficulties encountered in the implementation of the Fairmont Heights-Mary Bethune plan, it is necessary to review events at the board of education meeting of August 25, 1970. At that meeting, an assistant superintendent reported to the board that some 29 students scheduled to enroll at Fairmont Heights according to the desegregation plan had been accepted previously in a new, 3-year, vocational education

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270. Staff interviews, June, July, August 1973.

program at Bladensburg, their former school. As of the day of the board meeting, the requests had been denied by the responsible school official, since the students were scheduled to attend Fairmont Heights. The board debated the matter and decided to permit these students to continue at Bladensburg. The board then moved to close the program to 11th and 12th grade students.[271] The significance of this action lay in the fact that the program was initially intended to be a 3-year course of study but for some reason was opened to juniors and seniors.

Once the school year began, another transfer controversy arose, again involving the same two schools. On October 13, 1970, the board met and contemplated the situation at Fairmont Heights, where the white student enrollment was well below the school system's earlier projections. The board listened to black and white students from Fairmont Heights allege that numerous white students had transferred illegally to Bladensburg.[272] The director of pupil services said that 110 transfer requests from Fairmont Heights students had been received.[273] Of these requests, 62 had been granted, 34 denied, and 3 withdrawn.[274] The response of the board was to place a moratorium on transfers in the secondary schools and to review the transfer policy, thus allowing the transferred students to remain at their current schools.

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[271] PGC Board of Education, Minutes, Aug. 25, 1970.

[272] Former board members, staff interviews, June-July 1973.

[273] Although there was no racial breakdown of the students who requested transfers, the racial composition of the two schools involved strongly suggests that the vast majority of the students were white.

[274] PGC Board of Education, Minutes, Oct. 13, 1970.

Following a 3-day visit (October 19-21) of Regional OCR staff to the school district, the Regional Director expressed concern "over the number of transfers granted this school year from Fairmont Heights Senior High School and the apparent effort of some residents to use these transfers as a mechanism to avoid attendance of their children at Fairmont Heights, a predominantly black school."[275] She went on to question some of the medical transfer requests and their supporting justifications as well as those requests based upon temporary guardianship. The Regional Director questioned further "the unaccountable discrepancy" between the actual and projected enrollment of white students at Fairmont Heights Senior High. Finally, the Regional Director stated her expectation that:

> (1) all approved transfers would be reviewed in terms of the pending transfer policy change and that in cases where statements on the application proved to be untrue, approved transfers would be rescinded and students assigned to their proper school,
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> (2) the School District submit all available data on student and faculty assignment by race and grade in each school, and

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[275] Eloise Severinson, Director, OCR, Region III, letter to Carl Hassel, PGC Superintendent of Schools, Nov. 5, 1970.

> (3) the School District submit a complete list of transfer applications from predominantly black schools accompanied by supporting justifications.

At its meeting of November 10, 1970, the board of education adopted a transfer policy "designed to close as many loopholes as possible." The board refused, however, to review any transfers already granted and decided to permit students to continue at the schools they were attending.[276] The effect of this decision was to allow Fairmont Heights Senior High, which was one of only two schools to be desegregated under the board's recent plan, to continue operating with a 73.9 percent black student body. Meanwhile, another 32 of the system's schools continued to be racially identifiable, with majority-black enrollments.

Pursuant to yet another request from the Regional OCR Director (dated December 17, 1970), the superintendent, upon the advice of the board's lawyer, refused to give the Regional OCR copies of the 62 approved transfer requests from Fairmont Heights Senior High.[277] The Regional OCR did not aggressively pursue the matter of approved transfer requests again.

The Fairmont Heights transfer controversy had implications that went far beyond the two schools that were to be desegregated. It marked the point at which the balance of power on the board shifted, particularly as far as desegregation matters were concerned. As a result of the controversy, the majority of board members were not disposed to support future desegregation efforts. Board member A. James Golato, speaking in retrospect, stated that this issue caused him to shift his views on desegregation and probably hardened the split on the board. He strenuously objected to the allegation that some white students sought to evade assignment to Fairmont Heights. He blamed the controversy on "administrative bungling" and said that the school administration had initially granted the transfer requests and then incorrectly revoked them. The board's action only rectified the situation.[278]

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[276] PGC Board of Education, Minutes, Nov. 10, 1970.

[277] Carl Hassel, PGC Superintendent of Schools, letter to Eloise Severinson, Director, OCR, Region III, Dec. 28, 1970.

Another member of the board at the time, JoAnn Goldsmith, agreed in part with Mr. Golato but differed on the transfer issue. She argued that the transfer justifications based on enrollment in the new vocational educational program at Bladensburg were a subterfuge to protect college-bound athletes, some of whom were black. "Somebody had been counseling students at Bladensburg as to how to avoid transfer. The board protected those who stayed at Bladensburg and accused others of 'picking on them'." She went on to say that "things were never the same after the transfer business--the 5-4 voting split recurred time and again as a result."[279]

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278. A. James Golato, staff interview, August. 7, 1973.

279. JoAnn Goldsmith, staff interview, August 1973.

On February 2, 1971, the Regional OCR Director indicated to the superintendent her continuing concern over the inaction of the board on settlement of the student transfer issue and on faculty desegregation.[280] Reminding the superintendent of the board's decision to "re-examine all transfers this spring in terms of the new policies," the Regional Director suggested that "such action should insure the assignment of students consistent with the adopted terminal[281] desegregation plan."[282] The other major problem was the continued racial identifiability of the faculties of many schools throughout the system. The Regional Director enumerated 13 schools as having majority-black faculties.[283] Citing the Singleton decision, the Regional

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280. Eloise Severinson, Director, OCR, Region III, letter to Carl Hassel, PGC Superintendent of Schools, Feb. 2, 1971.

281. The reader will note the reference to the Fairmont Heights-Mary Bethune desegregation plan under discussion as a "terminal" plan. Such plans were to have been implemented no later than the 1969-70 school year according to the HEW "guidelines" issued in March 1968. These guidelines were superseded by the "new coordinated procedures" for ending racial discrimination announced jointly by the Departments of Justice and Health, Education, and Welfare on July 3, 1969, That the Fairmont Heights-Mary Bethune plan could be termed "terminal" was significant in light of the 33 racially-identifiable schools operated by the county.

282. Eloise Severinson, Director, OCR, Region III, letter to Carl Hassel, PGC Superintendent of Schools, Feb. 2, 1971.

283. These schools were: Fairmont Heights Senior High; Kent, Mary Bethune, and Thomas O. Pullen Junior Highs; and Ardmore, Beaver Heights, Carmody Hills, Douglass, Fairmont Heights, Genarden Woods, Highland Park, Oakcrest, and Seat Pleasant Elementary Schools.

Director affirmed the school district's responsibility to assign staff "so that the ratio of Negro to white teachers in each school, and the ratio of teachers and other staff, in each, are substantially the same as such ratio is to the teachers and other staff, respectively, in the entire school system."[284]

The school district's response to the Regional OCR was: (1) to provide assurance that students who misused the transfer policy would be caught when they reapplied in the spring for transfers, and (2) to refer the Regional Director to oral permission, granted by a Regional OCR official, that the "Board of Education would be expected to make these changes [faculty desegregation] as resignations and normal transfer process occurs within succeeding school years..."[285] The superintendent said further that for faculty desegregation the board of education would be governed by the Maryland State Department of Education's Bylaw 236, "an edict that local boards of education are to develop and implement as policies the full integration of teaching staffs in the public school system..."[286]

Dissatisfied with the assurances provided by the superintendent, the Regional Director reiterated the fact that the board must meet its responsibilities in the area of faculty

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284. 419 F.2d 1211, 1218 (5th Cir. 1969).

285. Carl Hassel, PGC Superintendent of Schools, letter to Eloise Severinson, Director, OCR, Region III, Mar. 1, 1971.

286. Ibid.

desegregation and based her justification upon the Singleton decision and the President's statement of March 24, 1970.[287] The board was requested to submit "specific plans for faculty desegregation in keeping with the requirements of the law." The Regional Director stated that, should the board fail to respond adequately in 10 days, the Prince George's County file would be transferred to Washington with a recommendation that formal enforcement proceedings be initiated.[288]

Absent from this communication was any reference to the problem of continued racial segregation among students. In this context, the Fairmont Heights-Mary Bethune plan, which had been aborted owing to the transfer difficulties, was only a small part of the problem. Over half of the county's black students attended majority-black schools, and over half of the white students were enrolled in schools that were at least 95 percent white. The Regional OCR failed to address the problem.

On March 25, the board of education acted upon the concerns of the Regional OCR by passing a "Resolution on Professional Teacher Staffing" and adopting the superintendent's "Plans and Procedures Pursuant to By-Law 236."[289] The resolution instructed the superintendent "to proceed immediately with the implementation of transfer and assignment plans...[to] produce in each of the public schools of Prince George's County a racial balance of the teaching staff, generally consistent with...the county-wide racial composition of all the teachers employed by the Board of Education so that this goal will be attained by September 1972..." The second document, "Plans and Procedures Pursuant to By-law 236," dealt with procedures for implementing the new policy in the areas of recruitment, hiring, placement, promotion, and termination of faculty. The resolution and plans were forwarded to HEW the day after their adoption.[290] The Regional OCR, however, did not respond to these initiatives.

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[287] President Richard M. Nixon, Statement on Elementary and Secondary School Desegregation, Mar. 24, 1970.

[288] Eloise Severinson, Director, OCR, Region III, letter to Carl Hassel, PGC Superintendent of Schools, Mar. 17, 1971.

[289] Carl W. Hassel, PGC Superintendent of Schools, letter to Eloise Severinson, Director, OCR, Region III, Mar. 26, 1971.

Two significant developments may explain the nonresponse of the Regional OCR to the faculty desegregation proposal submitted by the county. The first of these was an expectation that the Supreme Court of the United States would soon issue a comprehensive ruling on school desegregation. If such was the case, that expectation was realized on April 20, 1971, when the Court, in a unanimous ruling, enunciated new standards in the _Swann_ v. _Charlotte-Mecklenburg Board of Education_ decision.[291]

Although the _Swann_ decision is best known for its holding that the technique of busing is a legitimate tool for school

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290. Ibid.

291. Id. at 29.

districts to use in dismantling dual school systems,[292] the decision spoke to several other troublesome issues common to school desegregation situation, including:

> (1) Racial quotas.[293] The constitutional command to desegregate schools does not mean that every school in the community must always reflect the racial composition of the system as a whole; here the District Court's very limited use of the racial ratio--not as an inflexible requirement, but as a starting point in shaping a remedy--was within its equitable discretion.
>
> (2) One-race schools.[294] While the existence of a small number of one-race schools does not in itself denote a system that still practices segregation by law, the court should scrutinize such schools and require the school authorities to satisfy the court that the racial composition does not result from present or past discriminatory action on their part.
>
> (3) Attendance zones.[295] The remedial altering of attendance zones is not, as an interim corrective measure, beyond the remedial powers of a district court. A student assignment plan is not acceptable merely because it appears to be neutral, for such a plan may fail to counteract the continuing effects of past school segregation...

The other development was the transfer of the Prince George's County file from the Regional OCR to OCR headquarters.[296] This action signaled the belief that it was no longer possible for the Regional Office to obtain the school district's voluntary compliance.[297]

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[292] 402 U.S. 1 (1971).

[293] Id. at 22.

[294] Id. at 25.

[295] Id. at 27.

[296] J. Stanley Pottinger, Director, OCR, letter to Carl W. Hassell, PGC Superintendent of Schools, June 23, 1971.

Less than 1 month after the Swann decision and on the 17th anniversary of the Brown decision,[298] the Director of the Office for Civil Rights discussed with Superintendent Hassel and Board Attorney Nussbaum the need to desegregate all-Negro or predominantly Negro schools and integrate faculty throughout the school system.[299]

On May 20, 1971, the board of education rejected a policy resolution introduced by member Jesse Warr, Jr., that would have directed the superintendent to develop a "definite plan for implementation of the comprehensive integration of students and schools" by September 1971. With a tally of 4 ayes, 2 nays, and 2 abstentions, the proposal lost for lack of 5 affirmative votes.[300] On June 1, the resolution was reintroduced and again defeated for lack of five affirmative votes.[301]

On June 23, more than 1 month after his meeting with Superintendent Hassel and Board Attorney Nussbaum, the OCR Director reviewed the issues in the context of the Swann decision. In his letter[302] to Superintendent Hassel, the Director, in quoting Swann, stated:

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[297] Staff interview, June 1973.

[298] The Brown decision was announced on May 17, 1954.

[299] J. Stanley Pottinger, Director, OCR, letter to Carl Hassel, PGC Superintendent of Schools, June 23, 1971.

[300] PGC Board of Education, Minutes, May 20, 1971, p. 11.

[301] PGC Board of Education, Minutes, June 1, 1971, p. 5.

> [S]chool authorities should make every effort to achieve the greatest possible degree of actual desegregation...[T]he need for remedial criteria of sufficient specificity to assure a school authority's compliance with its constitutional duty warrants a presumption against schools that are substantially disproportionate in their racial composition.[303]

The Director explained further that the Swann decision did not require the achievement in each school of a precise mathematical ratio reflective of the racial composition of the entire school system. Nevertheless, he noted, "the Court had required that local school authorities consider the use of all available student assignment techniques, including those of contiguous and non-contiguous attendance zoning, and transportation of students to those in eliminating all vestiges of the dual school system."

Regarding faculty desegregation, the Director pointed out that the Swann decision "affirmed the principle in a lower court decision requiring the desegregation of faculty so that the ratio of white to Negro teachers in each school will be substantially the same as that which exists throughout the system." He then stated that, while the eventual ratio envisioned in the school system's recent faculty desegregation proposal[304] was acceptable, the timetable (providing for complete implementation in September 1972) was not acceptable. The OCR Director concluded the letter by stating that the county's desegregation[305] plan was not adequate to meet the standards of the law and that HEW was prepared to offer its assistance and services in developing a "workable and reasonable plan" to be implemented in September 1971.

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[302] J. Stanley Pottinger, Director, OCR, letter to Carl W. Hassel, PGC Superintendent of Schools, June 23, 1971.

[303] 402 U.S. 1, 26 (1971).

[304] Resolution on Professional Teacher Staffing, adopted Mar. 25, 1971.

This offer of assistance was an indication that the Department of Health, Education, and Welfare was entering a new round of negotiations with the school district. Despite 6 years of unsuccessful efforts by the Regional OCR to obtain compliance, HEW was unwilling to invoke its own administrative enforcement procedures in this case. The Department's Title VI guidelines provided that "school systems should be able to complete reorganization necessary for compliance with the law by the opening of the 1968-69 or, at the latest, the 1969-70 school year," and subsequent court decisions reinforced those guidelines, the Justice-HEW "coordinated procedures" notwithstanding. Nevertheless, the Department in June 1971 was still unwilling to initiate use of its administrative enforcement mechanism. Against a backdrop of increasingly stronger court decisions on school desegregation calling for desegregation now and adjudication later, implementation of a systemwide

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305. J. Stanley Pottinger, Director, OCR, letter to Carl W. Hassel, PGC Superintendent of Schools, June 23, 1971, p. 3.

desegregation plan seemed far from a reality.

On July 13, 1971, the board of education continued its debate on how to resolve the current dilemma and listened to the views of several interested parties.[306] One of these was the board attorney, who offered the opinion that four schools in the system were absolutely de jure segregated and five were probably de jure segregated.[307] Another interested party, NAACP representative Sylvester Vaughns, threatened to go to Federal court if the board did not adopt a total desegregation plan. A spokesman for the area's Member of Congress reported that 88 percent of the 30,000 respondents to a questionnaire were "opposed to the use of busing to achieve racial balance." He urged the board to follow the mandate of the people and to submit the matter to a court of law.

Later in the meeting, board member Warr introduced a resolution directing the superintendent to prepare a plan for implementation in September 1971, which would provide that every school forecast to have a majority-black enrollment in the 1971-

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[306] PGC Board of Education, Minutes, July 13, 1971.

[307] Absolutely de jure: Beaver Heights, Fairmont Heights, Glenarden Woods, and Highland Park Elementary Schools. Probably de jure: Doswell Brooks, Orme, and Oakcrest Elementary Schools; Mary Bethune Junior High; and Fairmont Heights Senior High. Subsequent to the attorney's opinion, a Federal district court and the U.S. Court of Appeals for the Fourth Circuit (a writ of certiorari was denied by the U.S. Supreme Court) found that the Prince George's County school system was de jure segregated. In addition to ordering implementation of a systemwide desegregation plan, the district court retained jurisdiction over the case for ongoing review. See chap. 4.

72 school year have its racial enrollment adjusted so that no school would be more than 45 percent or less than 20 percent black. The resolution was defeated by a 3-5 vote. Instead, the board directed the superintendent to "conduct a detailed staff study of the implications of desegregating the 9 designated or suspected 'de jure' schools in Prince George's County."[308] The study (plan), which was to be presented at the July 29 meeting, would be designed so that it would not contribute to disproportionate racial composition in any school.

On July 28, the OCR Director responded in writing to the board's action, stating:

> I have regretfully determined that the Prince George's County public schools are not in compliance with Title VI of the Civil Rights Act of 1964 and that to date our efforts to secure voluntary compliance have been unavailing. Inasmuch as your Board will be meeting on July 29, I will withhold formal enforcement action pending the prompt notification of this Office of your Board's action at the meeting. In the event that a commitment is not made to submit and implement this fall an adequate faculty and pupil assignment plan, we will have no alternative but to take formal enforcement action.[309]

On the following day, the board rejected the superintendent's study (plan) and declined to forward any communication to the Department of Health, Education, and

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[308] PGC Board of Education, Minutes, July 13, 1971.

[309] J. Stanley Pottinger, Director, OCR, letter to Carl W. Hassel, PGC Superintendent of Schools, July 28, 1971.

Welfare.[310] The feeling of one board member that HEW would take whatever action it considered necessary prevailed.[311] Superintendent Hassel notified the OCR Director on August 4 that the board had adjourned without taking action "to further desegregate any additional schools at the time."[312] In turn, the OCR Director, on August 20, informed the superintendent that the matter had been referred to the Office of General Counsel with a request that administrative enforcement proceedings be initiated. The superintendent was also notified that "final approval of any application filed with the Department for Federal funds for new programs and activities for elementary and secondary education" was ordered deferred.[313]

Approximately 4 months elapsed after transfer of the Prince George's County file from the Regional OCR to the central office before the Office of General Counsel asked for appointment of a hearing examiner.[314] Nearly 2 years had passed beyond the terminal date the Department set in its 1968 guidelines for school systems to achieve complete compliance with the law. The period of negotiations between the Regional OCR and the school district had lasted more than 6 years without achieving compliance.

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[310] Carl W. Hassel, PGC Superintendent of Schools, letter to J. Stanley Pottinger, Director, OCR, Aug. 4, 1971.

[311] PGC Board of Education, Minutes, July 29, 1971, p. 9.

[312] Carl W. Hassel, PGC Superintendent of Schools, letter to J. Stanley Pottinger, Director, OCR, Aug. 4, 1971.

[313] This meant that the school system could not receive Federal money for any Federal programs not already funded on a continuing basis. See, J. Stanley Pottinger, Director, OCR, letter to Carl W. Hassel, PGC Superintendent of Schools, Aug. 20, 1971.

[314] Paul M. Nussbaum, Attorney, PGC Board of Education, letter to Christopher Hagen, Office of General Counsel, HEW, Nov. 12, 1971.

ADMINISTRATIVE ENFORCEMENT HEARINGS

In the 1971-72 school year, Prince George's County operated 232 schools serving 162,828 students. (See table 3.15.) Black students numbered 36,450 or 22.4 percent of the total. Forty of the system's schools (7 more than the previous year) were majority black; one was all black. These 40 majority-black schools enrolled 58.7 percent of all black students. The number of schools in which white students were at least 95 percent of the enrollment fell from 90 in 1970-71 to 84 in 1971-72. The combined white enrollment in these schools fell from 66,169 (51.3 percent of all white students) to 60,062 (47.5 percent of all white students). In 1971-72, 124 of the system's 232 schools were either majority black or at least 95 percent white. In the area of faculty assignment, in no school did black teachers constitute a majority of the staff.[315] The staffs of 13 schools had been majority black in the previous school year.

Several months of maneuvering and delay transpired before Hearing Examiner Michael Hanrahan convened a preliminary hearing on December 13, 1971, in the administrative proceedings between HEW and the Prince George's County Board of Education.[316] The school board's motion to dismiss was denied on January 26, 1972.[317] On March 22, 1972, HEW announced that, in light of new antibusing proposals submitted by the President, the threat to cut off $14 million in aid was removed, but the hearing would continue in order to determine whether the county was in compliance with Supreme Court rulings.[318]

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[315] "Report of Schools."

Making good on an earlier threat to sue the board of education if it did not adopt a complete desegregation plan, Sylvester Vaughns and other black parents sued the Prince George's County school system on behalf of their children on March 29, 1972.[319]

Despite that action, however, HEW's administrative enforcement proceedings continued. Hearing Examiner Hanrahan wrote on May 5, 1972, to petitioner's and respondent's counsel that, if "Petitioner's [enrollment] figures are substantially correct, Petitioner may have already proven a prima facie case of

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316. HEW Administrative Hearing, Response to Examiner's Order of Dec. 13, 1971 Correction Sheet, p. 1., Jan. 12, 1972.

317. HEW Administrative Proceeding in the Matter of Board of Education of Prince George's County, Consolidated Answer to Notice of Opportunity for Hearing brought against Respondent by Department of Housing and Urban Development, Atomic Energy Commission, Department of Interior, Feb. 14, 1972.

318. HEW, Administrative Hearing, Hearing Examiner's Order, June 14, 1972, p. 8.

319. Vaughns, Complaint for Plaintiffs at 1, Mar. 29, 1972.

Table 3.15

RACIAL PROFILE OF SCHOOLS, 1970-71

Total schools	232	
Total student enrollment	162,828	
White	126,378	
Black	36,450	(22.4 percent)
Percent black faculty	---	

Schools 50 Percent Or More Black

School	Black Enroll.	White Enroll.	% Black Enroll.	% Black Faculty
1. Ardmore	623	24	96.2	49.6
2. Arrowhead	339	179	65.4	19.8
3. Beaver Hts.	535	---	100.0	39.4
4. Doswell Brooks	429	205	67.6	46.2
5. Capitol Hts.	373	282	56.9	27.5
6. Carmody Hills	645	38	94.4	44.8
7. Columbia Park	664	134	83.2	36.4
8. Edgar A. Poe	238	228	51.0	18.0
9. Fairmont Hts.	626	1	99.8	42.2
10. Glenarden Woods	617	1	99.8	43.8
11. Green Valley	284	233	54.9	7.7
12. Greendale	535	94	85.0	42.8
13. Highland Park	608	10	98.3	45.4
14. J. Enos Ray	250	206	54.8	8.5
15. John Carroll	659	24	96.4	25.4
16. J.E. Howard	505	122	80.5	31.1
17. John Bayne	417	171	70.9	42.8
18. Kenmoor	549	110	83.3	36.0
19. Kentland	457	307	59.8	12.2
20. Lyndon Hill	401	169	70.3	38.0
21. Matt. Henson	728	17	97.7	35.8
22. Oakcrest	503	8	98.4	11.0
23. Orme	186	39	82.6	43.4
24. Overlook	227	223	50.4	35.3
25. Owens Road	298	277	51.8	13.0
26. Palmer Park	579	49	92.1	35.3
27. Randolph Village	558	81	87.9	33.4
28. Ridgecrest	489	67	97.3	30.1
29. Seat Pleasant	556	15	62.6	49.2
30. Woodley Knoll	376	224	82.0	32.4
31. Central SHS	738	173	73.3	31.6
32. Fairmont Hts. SHS	553	202	52.2	43.0
33. Gwynn Park SHS	219	201	87.7	29.6
34. Kent JHS	1,062	149	64.7	34.7
35. Largo SHS	882	482	60.2	22.7
36. M. Bethune JHS	456	302	85.4	40.4
37. Maryland Park JHS	792	136	84.7	44.2
38. T. Pullen JHS	1,044	190	59.1	46.7
39. T. Johnson JHS	747	518	78.3	24.9
40. Walker Mill JHS	638	177	---	41.6
	21,430 (58 percent of all black students)			

Schools 95 Percent Or More White

No.	White Enroll.	Mean % Black Fac.
84	60,062 (47.5 percent of all white students)	12.27

124 schools 50 percent or more black and 95 percent or more white

Source: Prince George's County Public Schools, Pupil Accounting Department, "Report of Schools, 1953-54 School Year to 1971-72 School Year," Jan. 4, 1972.

non-compliance."[320] Hearing Examiner Hanrahan also stated in his letter:

> As I took the time to meticulously study the Board's figures as compiled in Petitioner's Exhibit 55 and the Petitioner's Request for Admissions of Fact, I found myself becoming more and more unable to fathom how the Respondent can even possibly satisfy the Swann decision's requirement that the Board "eliminate from the public schools all vestiges of state-imposed segregation."[321]

The examiner stated, in addition, that:

> It became obvious during our conferences that the position of the Department was going to be that all of the presently predominantly black schools are de jure and respondent's position will be that they are de facto, but the uncontroverted facts show at least a good number of schools never met the Swann criteria.[322]

Despite strong urging by Mr. Hanrahan during the proceedings, the respondent board refused to request Government assistance in preparing a desegregation plan for fear it would compromise its position that "it had already desegregated in 1965 and 1969 with Petitioner's approval."[323] HEW had indicated that the steps taken in those years were sufficient to maintain compliance for those years. HEW (petitioner) was equally adamant in refusing to suggest a desegregation plan absent a request from the school board for one.[324] This refusal probably stemmed from earlier experiences of HEW when suggested plans were termed "dictatorial" in an effort to discredit the Office for Civil Rights. On May 9, 1973, following the May 5, 1973, preliminary noncompliance conclusion by Hearing Examiner Hanrahan, the board of education, by a 6-2 vote, reversed its position, deciding, thereafter, to seek Federal assistance in developing a new desegregation plan.[325]

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[320] Michael E. Hanrahan, Hearing Examiner, HEW, letter to Paul M. Nussbaum, Attorney, PGC Board of Education, and to Christopher Hagen, Office of General Counsel, HEW, May 5, 1972.

[321] Ibid.

[322] Ibid.

[323] Ibid.

The tentative agreement was dissolved when HEW attempted to require the school district to agree to adopt a plan before HEW would furnish plan assistance. This proposed requirement exceeded the examiner's wishes.[326] The jockeying finally ended on June 27 when a contract was executed between HEW and the Lambda Corporation under which Lambda agreed to draw nonracial school boundary plans for the Prince George's County school system.[327]

But on July 11, the board's attorney notified the Lambda Corporation that it could not, at that time, furnish information Lambda needed to develop a secondary school assignment plan.[328]

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324. HEW, Administrative Hearing, Hearing Examiner's Order, June 14, 1972, p. 4.

325. PGC Board of Education, Minutes, May 9, 1971.

326. Ibid.

327. Progress Report by Lambda Corporation to Judge Frank Kaufman (undated), p. 2.

328. Ibid.

On July 24, 1972, HEW moved that the examiner:

> 1. Require the immediate furnishing of its current vital statistics by Respondent, Board of Education of the Prince George's County, to the Lambda Corporation and 2. Failing the immediate provision of such information to make a finding upon the Record that the Department of Health, Education, and Welfare has exhausted all required efforts to obtain voluntary compliance with Title VI of the Civil Rights Act of 1964.[329]

Despite compliance with this motion by the Prince George's County school system, Hearing Examiner Hanrahan found the Prince George's County Board of Education in noncompliance with Title VI of the Civil Rights Act of 1964 on September 5, 1972, particularly as that title related to provisions of the Swann decision. The reluctance of the hearing examiner to deny Federal financial assistance is clear in his opinion declaring noncompliance:

> The issue in this case has always been relatively simple: Has the Prince George's School District done all that is required to under the Swann decision, eliminate all of its formerly segregated school system. Ever since I came into this case, I have tried to alert [R]espondent that the handwriting was on the wall, and that he stood to lose substantial federal money. I tried to persuade both sides to settle this matter. This is the only reason I permitted procrastination. It is no pleasure to cut off money to a school system.[330]

Despite the action taken at the Department of Health, Education, and Welfare, the school system, opponents and proponents of school desegregation, and HEW itself paid little attention to the finding of noncompliance by Examiner Hanrahan. Instead, all turned their attention to the Federal court in Baltimore, since the school desegregation issue had now reached the judicial branch.

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[329] HEW Administrative Hearing Transcript, Motion, July 24, 1972.

[330] HEW Administrative Hearing Transcript, Sept. 5, 1972, p. 40.

Chapter 4

THE ISSUE GOES TO COURT

In the class action filed on March 29, 1972 (Vaughns v. Board of Education of Prince George's County[1]) by Sylvester Vaughns and other black parents in Prince George's County on behalf of their children and others, the plaintiffs charged the county school district with operating a de jure segregated school system contrary to the equal protection clause of the 14th amendment and to the decision of the Supreme Court of the United States in Brown v. Board of Education. The plaintiffs were represented by the American Civil Liberties Union (ACLU) and by the Prince George's County branch of the National Association for the Advancement of Colored People (NAACP).

The action was brought seeking declaratory judgment and injunctive relief, enjoining the defendant school board from operating a dual school system in any form.[2] Injunctive relief was sought against defendants' racially discriminatory practices in "(a) utilizing, recruiting, promoting and demoting black staff and faculty personnel; (b) selecting new school sites for new school construction; (c) unequally allocating resources and expenditures to racially identifiable schools within the school system."[3]

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[1] 355 F. Supp. 1034 (D. Md. 1972), 355 F. Supp. 1038 (D. Md. 1972), rem'd. 468 F.2d 894 (4th Cir. 1972), cert, denied, sub nom. Eller v. Board of Education of P.G.C., 410 U.S. 920 (1973); 355 F. Supp. 1044 (D. Md. 1972); 355 F. Supp. 1051 (D. Md. 1972) [hereafter referred to as Vaughns]. The suit was brought against the Board of Education of Prince George's County, the board of education members individually, and the superintendent of schools of Prince George's County. Complaint for Plaintiffs at 1, Vaughns.

[2] Complaint for Plaintiffs at 1, Vaughns.

The complaint alleged that students remained in segregated schools from 1955 to 1965, that the "freedom of choice" plan in operation for most of that period resulted in schools continuing to be racially indentifiable, and that adoption of a geographic attendance zone plan in September 1965 allowing permissive transfers also resulted in retention of racially identifiable schools.[4]

Plaintiffs also alleged that in the 1971-72 school year most of the school system's 232 schools were racially identifiable and that 61 percent of the system's black students attended majority-black schools.[5] This condition was allegedly caused by racially gerrymandered attendance zones, the system's school construction and site selection policies, faculty and staff assignments based on race, massive transportation networks based on race, and a permissive transfer system under which white students in

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3. Id.

4. Complaint for Plaintiffs at 10, Vaughns.

5. This percentage differs slightly from that reflected in the statistics prepared by the pupil accounting department of the school system. Complaint for Plaintiffs at 12, 15, Vaughns.

majority-black schools could transfer to majority-white schools.[6]

Since plaintiffs alleged that they had been denied equal protection of the laws, they sought judgment that the school system continued to operate a dual system and that, after hearing, the school district be required to take steps necessary for operation of a unitary school system, submit a comprehensive desegregation plan to be implemented in the 1972-73 school year, and develop criteria meeting constitutional standards for future school construction, site selection, school enlargement, and school closings.[7] The plaintiffs also sought development and consistent application of objective criteria for integration and utilization of all staff personnel and equalization of school expenditures regardless of schools' location and racial composition.[8]

The complaint specifically referred to HEW's activities in the 1970-71 school year. The complaint noted that HEW had informed the board of education that it continued to operate a dual school system.[9] It pointed out that HEW had recommended that the school system seek Federal technical assistance to explore viable remedies for existing segregation, and the system had adamantly refused.[10] Ultimately, HEW had initiated administrative enforcement proceedings in August 1971, although the hearing to determine the district's compliance status had not been completed when plaintiffs took the issue to court on March 29, 1972.[11]

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[6] Id. at 7-8.

[7] Id. at 14-15.

[8] Id. at 15.

[9] Id., at 12.

Motion for Preliminary Injunction

At the time suit was begun, a motion for preliminary injunction was filed asking the court to enter an order temporarily restraining the defendants from planning or undertaking any new school construction until after a hearing on plaintiffs' motion. Upon hearing of the motion, on March 29, 1972, plaintiffs' request for an order restraining the defendants from proceeding further in planning or undertaking any new school construction during the trial and prior to decision was denied.[12]

Motion to Dismiss

The defendants responded to the complaint on April 17, 1972, by seeking dismissal of plaintiffs' action because of the administrative proceedings pending at HEW.[13] On April 17, 1972, the school system's attorneys argued that, since HEW's proceedings had not been completed and since another action was pending in State court,[14] the action brought by plaintiffs was precipitous and premature.[15] That motion was denied by Judge Frank A. Kaufman on May 12, 1972.[16]

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[10] Id.

[11] Id.

[12] In supporting affidavits to the motion, it was noted that defendants planned additional school construction and that the location of planned new facilities was determined during a period when defendants operated a dual school system and that the board had not been presented with nor had it considered the probable racial or socioeconomic characteristics of new schools in reaching its decision. Wolf Affidavit in Support of Plaintiffs' Motion for Injunction Pendente Lite, at 1-3, Vaughns, and Warr Affidavit in Support of Plaintiffs' Motion for Injunction Pendente Lite, at 1-2, Vaughns. The motion pointed out that defendants had a legal duty to place and build schools in order to minimize racial segregation and that school construction and site selection had important effects on student attendance patterns and on existence of segregated schools. Plaintiffs' Motion for Preliminary Injunction, at 1-2, Vaughns.

On May 18, 1972, defendants in their answer to the complaint denied the allegations of the complaint and demanded proof of the allegations made.[17]

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[13] Memorandum in Support of Defendant's Motion to Dismiss for Lack of Jurisdiction Over the Subject Matter: Failure to Exhaust Administrative Remedies, Vaughns, p. 1. See HEW, Administrative Hearing, In the Matter of the Board of Education of Prince George's County, chap. 3, note 317 above.

[14] Borders v. Board of Education of Prince George's County, No. 130 (Md. Ct. App. Sept. Term 1971), where the appellant, Borders, raised as an argument in the brief: "Argument I. It is a violation of the Constitutional Rights of a Student when his Transfer is Effected Solely on the Basis of Skin Color/National Origin, when Skin Color are not Subjected to the Same Treatment Under the Law." The cause of action arose in State court in connection with changing pupil attendance zones in an effort to assure a better racial composition in public schools. See Motion to Dismiss for Lack of Jurisdiction Over the Subject Matter: Failure to Exhaust Administrative Remedies, at 4, Vaughns.

[15] Motion to Dismiss for Lack of Jurisdiction Over the Subject Matter: Failure to Exhaust Administrative Remedies, at 3, Vaughns.

[16] Although Judge Kaufman denied the defendants' motion to dismiss for lack of jurisdiction, he did so without prejudice to the defendants' right to renew it subsequently during the proceeding. Transcript of the Proceedings, May 12, 1972, at 40, Vaughns.

Motion for Summary Judgment

On June 2, 1972, the plaintiffs moved that the district court grant summary judgment for the relief sought in the complaint. A declaratory judgment was sought indicating that no genuine issue regarding any material fact existed and that the defendant school board established and maintained a segregated, dual school system pursuant to State law, and that plaintiffs were entitled to a permanent injunction ordering the defendants to cease maintaining a segregated school system and to cease maintaining geographic attendance zones that failed to maximize desegregation.[18] The plaintiffs also insisted that the defendants should be required to submit a comprehensive desegregation plan to be implemented in the 1972-73 school year.[19]

Joint Stipulation of Facts

On July 6, 1972, a joint stipulation of facts was filed with the court. Among the facts agreed to were that Prince George's County operated a dual school system before the ruling in Brown v. Board of Education; that during school years 1956-65, defendants operated its school system under a "freedom of choice" plan; that in the year 1964-65 Prince George's County operated 18 schools that were more than 50 percent black; that in the 1965-66 school year the defendants adopted a pupil assignment program based on a system of geographic attendance zones; and that defendants operated the system under that program at the time of the filing of the stipulation of facts.[20] The stipulation of facts also noted that HEW brought noncompliance proceedings against defendants to terminate the defendants' eligibility to receive Federal financial assistance and that the hearings were in recess but were scheduled to continue on July 31, 1972.[21] The schools remained racially imbalanced and 40 percent of the black students, who were 22.4 percent of all students, attended schools more than 80 percent black.[22]

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[17] Answer to the Complaint for Defendants at 1, Vaughns.

[18] Plaintiffs' Motion for Summary Judgment, at 1, Vaughns.

[19] Id. at 1.

Although 19 percent of the school system's facility was black, many schools operated by the defendants in 1971-72 had racially disproportionate student bodies and faculties.[23] Of the 1,357 black teachers employed by the system, 46 percent taught in schools with student bodies in excess of 30 percent black.[24] Of the 6,638 white teachers in the system, 56 percent taught in schools that were more than 90 percent white.[25]

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[20] Joint Stipulation of Facts at 1-4, Vaughns.

[21] Joint Stipulation of Facts at 6, Vaughns.

[22] Joint Stipulation of Facts at 6, Vaughns.

[23] Joint Stipulation of Facts at 38, Vaughns.

[24] Joint Stipulation of Facts at 39, Vaughns.

[25] Joint Stipulation of Facts at 39, Vaughns.

Transportation in the system was used extensively for 34.7 percent of all elementary students, 65.6 percent of junior high school students, and 71.7 percent of all high school students were transported to their schools.[26]

SUMMARY JUDGMENT GRANTED

Against the factual posture presented in the stipulation of facts, Federal District Judge Frank A. Kaufman granted summary judgment for the plaintiffs on July 25, 1972, in the Vaughns case.[27]

Judge Kaufman, in reaching his decision, reviewed pertinent points in the joint stipulation of facts, noting that the 1956 "freedom of choice" plan left intact the segregation that had existed before the Brown I decision.[28] Discussing the school system's adoption of a geographic zoning plan in 1965, the judge pointed out that the joint stipulation of facts revealed that in the first year of geographic zoning 11 schools (6.1 percent of all county schools) had 95 percent or more black students and 113 schools (62.8 percent) had more than 95 percent white students.[29]

In 1971-72, 61 percent of black pupils attended schools with enrollments more than 50 percent black; 40 percent, schools more than 80 percent black. Of the white students, 47 percent were in schools that were more than 95 percent white and 66 percent in schools more than 90 percent white.[30]

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[26] Joint Stipulation of Facts at 39, Vaughns.

[27] 344 F. Supp. 1034 (D. Md. 1972).

[28] 355 F. Supp. 1034, 1035 (D. Md. 1972).

[29] Id. at 1036.

The judge concluded that the command of Brown I[31] and the implementing mechanism of Brown II,[32] in addition to the doctrine of Green v. County School Board of New Kent County[33] requiring a school district "to come forward with a plan that promises realistically to work...until it is clear that state-imposed segregation has been completely removed,"[34] required "discontinuation of the current lack of desegregation in the schools of Prince George's County."[35] Judge Kaufman continued:

> That lack stems from a pre-Brown I segregated system which has never been effectively dismantled and which was not, in its origin, "a consequence of other types of state action, without any discriminatory action by the school authorities."[36]

In fashioning an order, Judge Kaufman recognized the existence of the contract, of June 27, 1972, between the Prince

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[30] Id.

[31] 347 U.S. 483 (1954).

[32] 349 U.S. 294 (1955).

[33] 391 U.S. 430 (1968).

[34] 355 F. Supp. 1034, 1036 (D. Md. 1972). (Paraphrasing Green, 391 U.S. 430, 439 (1968).

[35] Id. at 1037.

[36] Id. at 1037. (Quoting Swann v. Charlotte-Mecklenburg, 402 U.S. 1, 23 (1971)).

George's County Board of Education and the Lambda Corporation[37] to make a study and presentation to the school board, with the objective "to assist Prince George's County in the development of a desegregation plan in which specified objectives are met with a minimum of student transportation."[38]

The agreed standards for development of the Lambda plan included assignment of students so that no school would be majority black and so that for the 1972-73 school year there would be no net increase over the average number of children bused in 1971-72. Another aspect of the contract provided for an early delivery date so that the data could be developed into a comprehensive plan for the secondary schools that could be implemented at the beginning of the fall term in 1972.[39]

The court ordered the school board to file a status report

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37. Id.

38. Id. The Lambda Corporation had previously contracted with HEW to carry out a survey analysis of school desegregation alternatives in 29 large metropolitan areas. That analysis was to determine how much desegregation could achieved with limited additional use of busing. The analysis was later expanded to include 44 metropolitan areas, and at the behest of HEW, the Prince George's County school system was chosen for detailed study to provide a test and validation of Lambda's analysis techniques. The results of the Prince George's study showed that almost full desegregation of the county schools could be achieved with little or no increase in the number of students bused. See "School Desegregation With Minimum Busing: A Report to the Assistant Secretary for Planning and Education, U.S. Department of Health, Education, and Welfare" (Dec. 10, 1971, Contract HEW OS 71-140). See also, "Progress Report on Development of Desegregation Plans," prepared for Prince George's County Board of Education in response to request from Judge Frank Kaufman, Aug. 21, 1972 (hereafter cited as "Progress Report.")

39. Id.

from the Lambda Corporation on August 22, 1972, along with the board's own desegregation plan for faculty and student desegregation that would bring the school system into complete compliance with Brown-Swann standards.[40]

The judge ordered the county board to cooperate fully with Lambda by furnishing materials needed for its plan as quickly as possible.[41]

The judge set hearings for August 25, 1972, to consider the reports due on August 22, 1975, and to hear any other evidence by the parties. Thereafter, Judge Kaufman stated, he would file one or more orders "designed to achieve at the earliest possible date...compliance by defendants with the standards of Brown I as enunciated in Swann."[42]

The Prince George's board held a meeting on August 21, 1972, to discuss the staff plan prepared for submission to Judge Kaufman. Commenting on the summary judgment, a member of the board said:

> On July 25, Judge Kaufman gave the plaintiffs a Summary Judgment. Lawyers tell me this is very unusual. As I understand it this means we were convicted on our own facts and record without need for argument. This means, putting the most charitable possible interpretation on the facts, the data our school system has produced annually, we were found guilty. In other words, no matter what

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[40] Id.

[41] Id. at 1038.

[42] Id.

> anyone could say in a trial we were guilty, because the facts are facts.[43]

Expressing strong support of the staff proposal, she continued:

> Some may think we still can appeal on the law. These people, unfortunately, are those who have urged us to the present brink of disaster. Their course will take us over that brink. Some have urged, sight unseen, that we reject the staff proposal because of what they think it might be....[44]

[but]

> We cannot escape that we are ordered to bring this system into total compliance with the Brown and Swann standards to the fullest extent possible by September 5, 1972.[45]

Another board member, arguing against a plan using busing, stated:

> We have not yet had our "equal justice under law" right exercised through "our day in court" for initial judicial decision based on evidence presented during a full public trial. A majority of us do not believe that the whole Prince George's County School System is "de jure" or deliberately and officially segregated. What racial concentration exists is generally a result of housing patterns.[46]

Concluding his remarks, he said:

> I shall therefore vote against any resolution

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43. Ruth S. Wolf, statement at Prince George's County (PGC) Board of Education meeting, Aug. 21, 1972.

44. Ibid., p. 2.

45. Ibid., p. 3.

46. A. James Golato, Statement in Opposition to Busing for Racial Balance, PGC Board of Education meeting, Aug. 21, 1972.

> that proposes to destroy our neighborhood school concept by student assignments and busing solely on the basis of a person's race, creed, or color and I urge my associates to do likewise.[47]

In addition to the two statements by board members, Prince George's County submitted the report of the Lambda Corporation and its own report to Judge Kaufman on August 22, 1972.[48] The Prince George's County plan was for seniors only (work was continuing on junior high schools). The plan provided for the transfer of approximately 5,000 senior high school students--2,000 black and 3,000 white. The realignment of school attendance would result in all senior schools being within a range of 9.1 to 28.1 percent black, with schools generally not exceeding their capacity by more than 2 percent.[49] Approximately 2,400 of the 5,000 reassigned students lived closer to another school's attendance area and were reassigned there.[50] In the previous year 71 percent of senior high school students were bused, a proportion that would remain about the same under the plan developed, since only 200 more students would be bused.[51] Generally, the increase in travel time was projected not to

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47. Ibid., p. 1.

48. 355 F. Supp. 1038, 1039 (D. Md. 1972). See also, Report of the Defendant Board of Education of Prince George's County, Maryland, Aug. 22, 1972, at 1, Vaughns.

49. "Progress Report," p. 5.

50. Ibid.

51. Ibid., p. 11.

exceed 12 minutes each way[52] and the average increase in distance transported would be 7.28 miles.[53]

An affidavit from the director of the division of personnel services for the county was also submitted to the court. It stated:

> That in accordance with the Past Resolution of the Board of Education of Prince George's County, there are no public schools in Prince George's County as of the date of this affidavit that are scheduled to open for the school year 1972/1973 with a teaching staff consisting of either less than 11 percent or more than 25 percent minority race.[54]

The board requested that among other items the court delay implementation of the senior high school plan because insufficient time remained before school was to open.[55]

The Prince George's County Board of Education also appealed to the Court of Appeals for the Fourth Circuit from the final judgment and order entered in the action on July 25, 1972.[56]

Hearing of August 28, 1972

Judge Kaufman characterized the issues before the court as:

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[52] Report of Defendant Board of Education of Prince George's County, Maryland, Aug. 22, 1972, at 4.

[53] 355 F. Supp. 1035, 1041. (D. Md. 1972).

[54] Affidavit of D. Carl McMillen, Aug. 21, 1972, at 1, Vaughns.

[55] Report of Defendant Board of Education of Prince George's County, Maryland, Aug. 22, 1972, at 4.

[56] Notice of Appeal, Aug. 22, 1972, Vaughns. 468 F.2d 894 (4th Cir. 1972), cert. denied, sub. nom. Eller v. Board of Education of Prince George's County, 410 U.S. 910 (1973). The Fourth Circuit remanded the case to the district court.

> There are three basic questions before the Court in this proceeding...is the Prince Georges County School Board system in violation of constitutional standards. This Court has answered that...question in the affirmative. That takes us to the second stage. The second stage is what we do about it. The third stage is when do we do the what.[57]

Judge Kaufman also pointed out that the defendants bore the burden of proving that delay should be permitted in implementing the senior high school plan.[58]

JUDGE APPROVES DELAY

On August 31, 1972, Judge Kaufman granted the defendants' request for postponing implementation of the senior high school desegregation plan[59] in deference to the board's warning of major "social and educational problems." The postponement was made on the condition that implementation of the desegregation plan for senior high school students not be delayed beyond September 1973.[60]

In reaching the decision permitting the delay, the judge reasoned:

> While the courts have made clear that delays in implementing the Brown-Swann standards

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[57] Transcript of the Proceedings, Aug. 28, 1972, at 236, Vaughns.

[58] Transcript of the Proceedings, Aug. 28, 1972, at 237, Vaughns.

[59] 355 F. Supp. 1038, 1043 (D. Md. 1972).

[60] 355 F. Supp. 1038, 1043 (D. Md. 1972).

> should not be countenanced because of increased costs; those decisions have been rendered in cases in which there was no evidence that, given a short delay, a desegregation plan meeting constitutional standards could be devised and implemented which would totally or at least substantially eliminate increased costs. Further, those decisions were rendered in the context of cases which had been pending for a number of years in the courts. The within proceeding was commenced on last March 29th...[I]t was possible for this court to render as early as July 25, 1972, an opinion with regard to lack of constitutionality of the existing system....Bearing in mind the command of the Supreme Court in Alexander and with full knowledge of the record of the past, this Court concludes that, in light of all the facts and factors discussed above, including the additional transportation costs as only one of such factors, the defendants have borne their burden of showing the desirability of not implementing the staff desegregation plan for the tenth and eleventh grades effective September 5, 1972.[61]

Judge Kaufman, however, directed the board to prepare by December 4, 1972, plans for desegregating elementary, junior, and senior high schools. He concluded that the desegregation plan for the elementary and junior high schools could be implemented January 29, 1973, but deferred the senior high school plan to fall 1973 because of the greater problems encountered in senior highs when desegregating.[62] Judge Kaufman noted that all administrators except one considered a mid-year change for senior high school students more difficult because these students have more year-long academic, athletic, and extracurricular activities. Moreover, there is more commingling of 10th, 11th, and 12th grade students than of earlier grades.[63]

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[61] Id. at 1041.

[62] Id. at 1043.

Thus, the court, after determining that a midyear transfer plan would be implemented for elementary and junior high school students and a fall 1973 plan would be inaugurated for senior high school students,[64] ordered the board of education to submit completed, comprehensive desegregation plans for all grades by December 4, 1972.[65]

Plaintiffs appealed the decision to delay desegregation of the high schools to the United States Court of Appeals for the Fourth Circuit.[66] One board member, a persistently sharp critic of desegregation requiring busing, said of Judge Kaufman's decision to delay: "I'm glad there is one reasonable man in this world....We've got time to implement the plan with minimal

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63. Id.

64. In all prior planning for midyear senior high school desegregation, both plaintiffs and defendants had agreed to leave seniors in their home schools for their last year (see 355 F. Supp. 1044, 1046 (D. Md. 1972)), but upon decision to delay senior high school desegregation, the parties agreed that a year's notice was sufficient so that seniors would transfer to new schools where required under the plan (355 F. Supp. 1038, 1043, footnote 13 (D. Md. 1972)).

65. 355 F. Supp. 1038, 1043 (D. Md. 1972).

66. 468 F.2d 894 (4th Cir. 1972), cert. denied, sub. nom. Eller v. Board of Education of Prince George's County, 410 U.S. 910 (1973). The Fourth Circuit remanded the case to the district court.

disruption."[67]

Application of Section 803

In his August 31, 1972, decision,[68] Judge Kaufman requested counsel to prepare memoranda by October 1, 1972, concerning the applicability of section 803 of the Higher Education Act Amendments of 1972 to any remedial orders of the court. This section provides:

> Notwithstanding any other law or provision of law, in the case of any order on the part of any United States district court which requires the transfer or transportation of any student or students from any school attendance area prescribed by competent state or local authority for the purpose of achieving a balance among students with respect to race, sex, religion, or socioeconomic status, the effectiveness of such order shall be postponed until all appeals in connection with such order have been exhausted or, in the event no appeals are taken, until the time for such appeals has expired. This section shall expire at midnight on January 1, 1974.[69]

The section was determined not to apply in the Prince George's County case.

BOARD'S REACTION

Following the August 31, 1972, decision, the board of education generally remained evenly split on the question of future desegregation, and there was little indication that agreement would be reached on a plan to submit to the court. On September 12, 1972, the board was able to unite only on a general resolution to order a plan developed for submission to the court by December 4, 1972.[70]

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[67] Washington Post, Sept. 1, 1972.

[68] 355 F. Supp. 1038, 1043 (D. Md. 1972).

[69] Higher Education Amendments of 1972, Pub. L. No. 92-318, Title VIII, 803, 86 Stat. 372.

A resolution was introduced, but not voted on; it directed that the desegregation plan be developed in accordance with criteria outlined below and be presented at the first regularly scheduled meeting in November:[71]

> 1. That the further construction of additional, new school capacity within predominantly black population areas be discontinued, and
>
> 2. That the Capital Improvement Program (CIP) plan for FY 74 be withdrawn, and
>
> 3. That the CIP plan for FY 74 be changed to reflect the intent of this motion by deleting from the plan the proposed construction of those additional new schools and additions not now in design within the Beltway which would add additional capacity to that already existing, and [most of the County's black population lived inside the Beltway].

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[70] PGC Board of Education, Resolution, Sept. 12, 1972.

[71] Resolution introduced by Rodney W. Johnson and A. James Golato at the Sept. 12, 1972, meeting of the PGC Board of Education. See, PGC Board of Education, Minutes, Sept. 12, 1972. School desegregation by pairing or grouping is achieved when the attendance areas of two or more schools are merged so that each school serves different grade levels. Clustering is similar to the process of pairing and grouping, except that more schools are usually merged. Satellite attendance zones are school attendance areas that are geographically noncontiguous.

> 4. That the new schools and additions so deleted be relocated on parcels of existing Board-owned property beyond the Beltway without special reference to existing or future growth patterns which might perpetuate a segregated attendance area, except that resolution does not include or affect the renovation or replacement on a one-for-one basis, those schools within the Beltway now included within the CIP plan for FY 74, and
>
> 5. That the CIP plan for FY 74 reflecting these changes be resubmitted for state approval. That Fairmont Heights Senior High be converted to a Fine and Performing Arts Center. That Mary Bethune Junior High be converted to a Science and Vocational Educational Center. That the following elementary schools either be closed or converted to a cluster 342 center attendance concept:
>
> Beaver Heights
> Doswell E. Brooks
> Fairmont Heights
> Glenarden Woods
> Oakcrest
> Orme[72]

Despite the board's stalemate, however, the school staff was instructed by the board to begin preparing desegregation plans.[73] Staff members complained at the lack of direction from the board and waited for what they considered the "inevitable board criticism on whatever plan they drew up." They also recalled that one board member reportedly commented that the 6-0 board vote in

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[72] Ibid., p. 2.

[73] PGC Superintendent of Schools, Memorandum No. 11-73 to All Principals and Central Office Administrative Staff Concerning Resolution on Desegregation, August 1, 1972, by the Prince George's County Board of Education, Aug. 1, 1972, p. 1.

August to order plans prepared "didn't mean anything."[74]

The criteria proposed at the board's September 12 meeting threw the burden of desegregation on the black community and drew immediate fire from PTA and civic organizations and the area's black leadership.[75] The Prince George's County Human Relations Commission argued that the plan would take funds for building schools in black areas to build them in other neighborhoods; that it would revive the effort angrily rejected by Fairmont Heights parents to turn that high school into an arts center; that it was unfair to blacks in singling out certain schools to achieve its aims; and that it would abandon seven or eight school buildings without suggesting how these buildings might otherwise be used.[76]

At its September 26, 1972, meeting, the board voted down the criteria proposed September 12 by 6-0, with two abstentions.[77] Whether the board would be able to agree on basic criteria for a plan, much less a specific plan, to submit to the court by December 4 remained to be seen.

OTHER DEVELOPMENTS

Meanwhile, developments occurred on other fronts that made it quite clear that the board and certain county political leaders were unwilling to give up the long battle against school desegregation. The board's attorney filed a motion with HEW's hearing examiner to reconvene the administrative hearings, after HEW's ruling on September 5, 1972, that the county school system had failed to meet its responsibilities under Title VI of the Civil Rights Act of 1964.[78]

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[74] Washington Post, Aug. 2, 1972, sec. A., p. 1, col. 2.

[75] PGC Board of Education, Minutes, Sept. 26, 1972, p. 5.

[76] Enquirer-Gazette, Sept. 21, 1972, p. 1.

[77] PGC Board of Education, Minutes, Sept. 26, 1972, pp. 6-7.

On September 19, the Prince George's County Council went on record in support of H.R. 13915, a bill in Congress to ban the busing of children away from neighborhood schools and permit courts to reexamine busing plans intended to advance desegregation. The bill also provided that no new desegregation plan would be required if a U.S. court decided a school system was desegregated and subsequent residential shifts in population resulted in changes in the racial composition of schools. The vice chairperson of the council noted, "It is the opinion of some that this bill would completely terminate any order which the U.S. district court in Baltimore might hand down to the [Prince George's County] board of education."[79]

On the other hand, other groups demonstrated their acceptance of the need for complete desegregation through busing. On September 13, student government leaders from the county's secondary schools met for the first time in special executive session of the Prince George's Regional Association of Student Governments (PGRASG). The consensus reported at that meeting was "Let's make busing work." One student leader declared:

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[78] See discussion in chap. 3 of HEW's role in the desegregation process, particularly as related to the administrative enforcement proceeding. See also, Transcript of the HEW Administrative Proceedings, In the Matter of Prince George's County, Sept. 5, 1972, p. 52.

[79] Enquirer-Gazette, Sept. 28, 1972, p. 1.

> We may not all be in favor of physically moving students about to achieve some magical racial balance, but it's a fact of life in many other school districts and may very well become one here in Prince George's County. Our job is clear, to do what we can to prepare for all the specific problems related to moving students around at the mid-year break.[80]

A student leader from Crossland Senior High in Camp Springs said: "We are going to flood the board of education and County Council with letters urging a quick settlement to this issue. The longer it drags on, the more we're going to be hurt."[81]

The Prince George's Coalition for School Desegregation, a group of county organizations that had united to seek further school desegregation, held a meeting October 4 at Kenmoor Elementary School. The coalition reported at the meeting that the board of education had lost about $1,750,000 in Federal funds as a result of fund deferrals at the initiation of enforcement proceedings.[82]

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[80] Enquirer-Gazette, Sept. 21, 1972, p. 1.

[81] Ibid.

[82] Enquirer-Gazette, Sept. 28, 1972, p. 3. Federal funding for new school system programs had been deferred in August 1971.

APPEALS COURT QUESTIONS DELAY

On October 12, 1972, the U.S. Court of Appeals for the Fourth Circuit handed down its decision[83] on the appeals of Judge Kaufman's rulings of July 25[84] and August 31, 1972. The court, in a brief opinion, noted that generally desegregation of school systems should be implemented as soon as possible without serious disruption of the educational program.[85] The court was not persuaded that county schools would be seriously disrupted by a mid-year shift: "With the possible exception of the 12th grade, the graduating class, it is difficult to find justification for that portion of the order"[86] delaying desegregation of senior high schools, "when the plans are as yet unformulated and the advantages of coordinating the change at all levels cannot be weighed against what difficulties may be encountered in the implementation of the plan for the senior high schools at mid-semester."[87]

The court of appeals remanded the case to Judge Kaufman, noting that the timing of the implementation of the desegregation

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83. Vaughns v. Board of Education of Prince George's County, 468 F. 2d. 894 (4th Cir. 1972), cert. denied, sub nom. Eller v. Board of Education of Prince George's County, 410 U.S. 910 (1973).

84. 355 F. Supp. 1034 (D. Md. 1972).

85. 355 F. Supp. 1034 (D. Md. 1972).

86. 468 F. 2d 894, 895 (4th Cir. 1972).

87. Id.

plans could be reconsidered by him "once he had them in his hand and could determine the degree of difficulty in carrying them out."[88]

This decision of the appeals court indicated to observers how the court might act should the school board appeal the case on the merits. It became clear to many, then, that plans for compliance with the impending court order must be total in scope.

Nevertheless, the school board showed no sign that it would do anything specifically to prepare for the ordered, mid-year desegregation. Its attention appeared to be focused on the continuing problems of general security and discipline in the schools rather than on the myriad of details to be worked out to meet court requirements and ensure relatively smooth school desegregation. An administrative memorandum issued October 13, 1969,[89] by the board, specifying measures to be taken on various levels of authority to meet disturbances ranging up to a riot, was updated on October 13, 1972. The board also adopted two resolutions on November 14, 1972, one "encouraging and supporting the kind of atmosphere and procedures in schools which make for effective learning," and the other assuring all school administrators "that a firm and constructive attitude toward better discipline in the classroom and school is positively encouraged and will be supported by this board."[90]

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[88] Id. at 896.

[89] Enquirer-Gazette, Dec. 21, 1972.

The quandary in which the school staff was left was noted in a memorandum of October 16, 1972, to the board from its lawyer. It stated that "...absent specific instructions having been given by the board to its staff in the development of a desegregation plan, both as to criteria as well as to schools involved, the staff has been left to its own resources in the development of a plan."[91]

On October 18, 1972, new general criteria to be used in preparing plans were offered by various board members to the staff for its consideration. One member, in response to "your repeated requests for guidance," asked the superintendent to draw up a plan providing for voluntary transfer of black students from Fairmont Heights Senior High, Mary Bethune Junior High, and Highland Park, Glenarden Woods, and Beaver Heights Elementary Schools--the "only" schools "which might be subjected to 'de jure' allegations"--to the "next nearest schools." A "voluntary white replacement" would be sought for each black student choosing to transfer, and busing would be made available for all volunteers.[92]

Other criteria were put forth by four board members on

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90. Ibid.

91. Paul M. Nussbaum, Attorney, PGC Board of Education, Memorandum to Members, PGC Board of Education and Carl W. Hassel, PGC Superintendent of Schools, Oct. 16, 1972, p. 1.

92. A. James Golato, Member, PGC Board of Education, letter to Carl Hassel, PGC Superintendent of Schools, Oct. 18, 1972.

October 18. They asked that a plan be prepared that involved all grades, left no school more than 35 percent black except where excessively long bus rides might result, and assigned students fairly and equitably. Boundary changes would be the first and main way of meeting these goals, but busing would be included to the minimum extent possible. Clustering, pairing, and other techniques should be used.

The criteria called for no school to be more than 2 percent over capacity. Where the choice was between busing small groups of students long distances and busing large groups of students lesser distances, the lesser distance should be used. Schools serving stabilized, integrated communities should be exempted. Mechanisms should be developed for students in the same family to attend the same school, and continuity of student associations should be maintained where feasible. Additional buses should be programmed.[93]

As the staff considered these and other proposals, the board's attorney wrote another memorandum to the board on November 1. He reported that problems with the Lambda Corporation's work on a desegregation plan would "thwart" the board's ability to submit the court-ordered plans on December 4

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93. Ruth S. Wolf, JoAnn Goldsmith, J. Righton Robertson, and Jesse T. Warr, Members, PGC Board of Education, letter to Carl Hassel, PGC Superintendent of Schools, and Paul Nussbaum, Attorney, PGC Board of Education, Oct. 8, 1972.

unless the board severed its connection with Lambda.[94]

Nonetheless, on November 2, all parties conferred in court, and the defendant board assured the plaintiffs and the court that it intended to comply with the court orders in all respects.[95] Judge Kaufman ordered the parties to file no later than November 21, 1972, any facts and opinions relating to possible harmful effects of a mid-year changeover; further, counsel were asked to file citations of cases where courts had ordered either midyear transfers or transfers that did not occur at the start of the fall term of school.[96]

On November 13, the attorney for the plaintiffs complained to Judge Kaufman that the board's attorney had claimed in a letter to a board member that it was an "almost guaranteed impossibility" that the defendants would submit an elementary school desegregation plan by December 4.[97]

JUDGE KAUFMAN PRODS BOARD

In response to the letter from plaintiffs' attorney, Judge

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[94] Paul M. Nussbaum, Attorney, PGC Board of Education, Memorandum to Members, PGC Board of Education, and Carl W. Hassel, PGC Superintendent of Schools, Nov. 1, 1972. For previous discussion of the Lambda Corporation's role see pp. 294-95.

[95] Richard V. Falcon, Plaintiffs' Attorney, letter to Frank A. Kaufman, Judge, U.S. District Court for Maryland, Nov. 13, 1972.

[96] Frank A. Kaufman, Judge, U.S. District Court for Maryland, letter to Attorneys for the Parties, Oct. 19, 1972, p. 2.

[97] Richard V. Falcon, Plaintiffs' Attorney, letter to Frank A Kaufman, Judge, District Court for Maryland, Nov. 13, 1972.

Kaufman filed on November 14, 1972, a new one-paragraph memorandum and order in the district court. It again ordered the defendants to submit alternative plans on or before December 4, 1972, as set forth under paragraphs (1), (2), and (3) on page 2 of the court's letter dated October 19, 1972.[98]

The paragraphs in the October 19 letter read:

> (1) A plan pursuant to which the changeover (a) with regard to the tenth and eleventh grades would take place on January 29, 1973 at the same time as the changeover will take effect with regard to the elementary and junior high schools, and (b), with regard to the twelfth grade would take place in the fall of 1973; and
>
> (2) A plan pursuant to which the changeover with regard to the tenth, eleventh and twelfth grades would take place on January 29, 1973 at the same time as the changeover will take effect with regard to the elementary and junior high schools, and
>
> (3) A plan pursuant to which the changeover with regard to the elementary and junior high grades will take place on January 29, 1973 and the changeover with regard to the tenth, eleventh and twelfth grades would take place in the fall of 1973. In connection with that said third alternative plan, all parties are hereby requested, on the one hand, to present to this Court all available facts and opinions with regard to the alleged deleterious effects of a mid-semester changeover with regard to the tenth and eleventh grades, and, on the other hand, all available facts and opinions with regard to, using the Fourth Circuit's words, the "advantages of coordinating the changes at

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98. Memorandum and Order, Nov. 14, 1972, Vaughns.

> all levels" at the same time. Further, counsel for both sides are asked to file with this Court, as soon hereafter as possible and in any event no later than November 15, 1972, citations of cases in which federal courts have ordered mid-year changeovers or changeovers at times other than the commencement of the academic term in the fall of the year.[99]

A letter to the attorneys, attached to Judge Kaufman's memorandum and order of November 14, 1972, stated in part:

> Mr. Nussbaum and the defendants are hereby informed that the Court's outstanding Orders remain in force and effect and that the defendants are under an absolute, unequivocal obligation to present to this Court alternative plans in accordance with the tripartite breakdown set forth in this Court's letter of October 19, 1972.[100]

On November 29, however, the plaintiffs' attorneys informed the court that the board had failed to comply with the order that any affidavits or other evidence of negative effects of a mid-year changeover be filed by November 21.[101] The court then extended the time for such filings to December 1.[102]

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[99] Frank A. Kaufman, Judge, U.S. District Court for Maryland, letter to Attorneys for the Parties, re Vaughns v. Board of Education of Prince George's County, Oct. 19, 1972, p. 2.

[100] Frank A. Kaufman, Judge, U.S. District Court for Maryland, letter to Attorneys for the Parties, re Vaughns v. Board of Education of Prince George's County, Nov. 14, 1972.

[101] Attorneys for Plaintiff, letter to Frank A. Kaufman, Judge, U.S. District Court for Maryland, re Vaughns v. Board of Education of Prince George's County, Nov. 29, 1972.

[102] See Paul M. Nussbaum, Attorney, PGC Board of Education, memorandum to Members, PGC Board of Education, and Carl W. Hassel, PGC Superintendent of Schools, re Vaughns v. Board of Education of Prince George's County (Civil Action No. 72-325-K), Dec. 4, 1972.

In this period, the board's attorney wrote the board president:[103]

> ...to make certain that the members of the Board...are fully aware of their specific responsibilities with respect to the filing of desegregation plans by me on their behalf....on December 4, 1972...I should like to further reiterate that the pendency of the appeal filed from Judge Kaufman's July 25, 1972, Order has no bearing whatsoever upon the question of implementation which has previously been ordered for January 29, 1973...I have repeatedly advised the members of the Board that under present interpretations of the United States Supreme Court the implementation of any desegregation decree shall not be stayed by virtue of the pendency of an appeal...[S]pecific instructions and directions must be given to me at the meeting on November 30, 1972 ...The Board of Education is under Court Order to submit a plan which meets the tests of constitutionality as prescribed in Swann.[104]

Apart from the developments in court, opposition to the expected court order continued to grow during the fall of 1972.

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[103] Paul Nussbaum, Attorney, PGC Board of Education, letter to Chester E. Whiting, President, PGC Board of Education, Nov. 27, 1972.

[104] Swann v. Charlotte-Mecklenburg, 402 U.S. 1 (1971), held that busing was an available tool for use in school desegregation cases: A unanimous Court stressed the importance of bus transportation to effective desegregation and said that "[d]esegregation plans cannot be limited to the walk-in school." The Court noted, however, that transportation could not involve time or distance so great as to pose a health risk or impinge on the educational process. (402 U.S. 1, 30 (1971)). The Court also ruled that a neighborhood school assignment plan, even though it appears to be neutral, cannot be employed in "a system that has been deliberately constructed and maintained to enforce racial segregation." In such cases, other mechanisms such as school clustering and the creation of noncontiguous zones could be used. 402 U.S. 1, 28 (1971).

Efforts intensified to protect the "neighborhood school" (normally a school located nearest one's residence)[105] and to alter the school board both as to the mode of its selection and as to its power. A drastic cutback in school busing in the district along with a phaseout of its 737-vehicle bus fleet was

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105. The Commission believes that a good deal of inconsistency and hypocrisy has all too often surrounded the lip service paid to the neighborhood school principle. Courts, as well as school officials, have had little difficulty in dismissing its importance for the purpose of maintaining segregation. In Cincinnati in 1876, for example, black children who had to walk 4 miles each way to attend a black school refused and said: "Children cannot cluster around their schools like they do around their parish church." (Statement of the United States Commission on Civil Rights concerning the "Statement by the President on Elementary and Secondary School Desegregation," Apr. 12, 1970, p. 20.) An HEW report published in 1967 noted that "the neighborhood school policy was never an absolute policy: indeed, the weight of 19th century court cases....is clearly against such a policy. Dedication to the neighborhood school plan grew as official segregation after Brown was rejected.

"Judge Luther Bohannon's observation in Dowell stands as an incisive analysis of this phenomenon: 'The history of the Oklahoma (city) school system reveals that the board's commitment to a neighborhood school policy has been considerably less than total. During the period when the schools were operated on a completely segregated basis, State laws and board policies required that all pupils attend a school serving their race which necessitated pupils bypassing schools located near their residences and travelling considerable distances to attend schools in conformance with the racial patterns. After the Brown decision and the board's abandonment of its dual zone policy, a minority to a majority transfer rule was placed in effect, the express purpose of which was to enable pupils to transfer from the schools located nearest residences, i.e., the neighborhood school, in order to enroll in schools traditionally serving pupils of their race, and located outside of their immediate neighborhood...thus it appears that the neighborhood school concept has been in the past, and continues in the present to be expendable when segregation is at stake.'" (Dowell v. School Board of Oklahoma City, 244 F. Supp. 971, 977 (1965), cited in Meyer Weinberg, Race and Place: A Legal History of the Neighborhood School (Office of Education, HEW, 1967), p. 6.

(cont.)

proposed in legislation prefiled in the Maryland General Assembly.[106] Designed to preserve the neighborhood school concept in the county, the legislation would also have stripped the school board of all powers except those dealing with curricula.

One bill in the legislative package stressed the need for

(105 cont.)
Some years ago, then Chief Judge Tuttle of the U.S. Court of Appeals for the Fifth Circuit, in a desegregation case involving the Mobile, Alabama, school system, made some observations on this point:

"Both in testimony and in the briefs, much is said by the appellees about the virtues of 'neighborhood schools.' Of course, in the brief of the Board of Education, the word 'neighborhood' doesn't mean what it usually means. When spoken of as a means to require Negro children to continue to attend a Negro school in the vicinity of their homes, it is spoken of as a 'neighborhood' school plan. When the plan permits a white child to leave his Negro 'neighborhood' it becomes apparent that the 'neighborhood' is something else again. As every member of this court knows, there are neighborhoods in the South and in every city of the South which contain both Negro and white people. So far as has come to the attention of this court, no board of education has yet suggested that every child be required to attend his 'neighborhood school' if the neighborhood school is a Negro school. Every Board of Education has claimed the right to assign every white child to a school other than the neighborhood school under such circumstances. And yet, when it is suggested that Negro children in Negro neighborhoods be permitted to break out of the segregated pattern of their own race in order to avoid the 'inherently unequal' education of 'separate educational facilities,' the answer too often is that the children should attend their 'neighborhood school.' So, too, there is a hollow sound to the superficially appealing statement that school areas are designed by observing safety factors, such as highways, railroads, streams, etc. No matter how many such barriers there may be, none of them is so grave as to prevent the white child whose 'area' school is Negro from crossing the barrier and enrolling in the nearest white school even though it be several intervening 'areas' away."

106. Washington Star, Oct. 15, 1972. 1974. The legislation filed in advance of the next session of the assembly eventually died in committee. (Confirmed by State Senator Walter Goodman--D., Prince George's County--Jan. 25, 1974).

neighborhood schools. It required that at least 50 percent of a school's enrollment be made up of children living within walking distance of the school. On the assumption that a government agency would be operating all public transportation in the near future, busing boundaries would be laid out along public transportation routes. Regular public transportation with reduced fares for students would then be available for students to go to schools within the same general neighborhood. Public hearings were held on this bill in November 1972.

Efforts to replace the Governor-appointed school board by an elected one also rolled along, pushed by the Citizens for Community Schools as "emergency" legislation.[107] Approximately 43,000 signatures were collected on a petition and handed over to State legislators.

While these steps were being taken, concern was being expressed elsewhere that the school staff had still not been sufficiently readied for the mid-year changeover. In late November, a member of the school board told the human relations commission: "The chances are very good we will be ordered to integrate all schools by January 29, 1973, and we will probably know it by mid-December."[108] She warned that the teaching staff

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107. Citizens for Community Schools was the largest organization opposed to "forced busing for desegregation." It became active in August 1972 and claimed three chapters throughout the county with a membership "in the thousands." Staff interview, July 13, 1973.

108. Enquirer-Gazette, Nov. 28, 1972, p. 1.

was not adequately prepared and that, although school staff members had begun to develop plans, they had not gotten needed guidance.

Finally, at the end of November the staff gave the divided school board four different desegregation plans, ranging from a limited proposal that would shift about 4,500 pupils to different schools on a strictly voluntary basis to another that would require transferring about one-half of the county's 162,000 students.[109]

Under plan I[110] approximately 83,000 students would be reassigned and, with the exception of several elementary schools, all schools would become majority white with a black enrollment not exceeding 35 percent. The part of the plan concerning the senior high schools, except for some adjustments, was the same proposal presented to the board on August 21, 1972. Changes would be made in contiguous attendance areas with the assignment of some noncontiguous areas to certain schools. The total capacity of senior high schools was less than the total senior high school enrollment of 30,285 in 1972. Excluding the 12th

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109. On November 14, a new member of the school board was sworn in. Newspaper speculation suggested that the new member would give the members opposing complete school desegregation with additional busing a 5-4 majority on the issue. For the November staff-developed plan see, PGC Public Schools, Offices of Superintendent, Pupil Accounting, Population Analysis, and Pupil Transportation, "Plans for the Further Integration of Prince George's Public Schools," Nov. 30, 1972 (hereafter cited as "Plans for Further Integration").

110. Ibid., p. 352, 10-33.

grade, about 5,182 senior high pupils would be reassigned, 200 of whom had not been bused before. The plan for all grades at the senior-high level would result in the reassignment of some 7,205 pupils, of whom 2,572 were black.

Junior high schools would also be desegregated through adjustments of existing contiguous attendance zones and the addition of some noncontiguous areas to the revised zones. Of 37,702 junior high pupils, 12,023 were to be reassigned--5,125 were black. An additional 2,352 students, who in the past had walked, would ride the bus.

The elementary school proposal used a different approach because a large number of elementary schools were located in close proximity to each other. The elementary schools were divided into 11 groups for the purpose of pairing, clustering, and using satellite schools.[111] In each of the 11 groups, some schools would be involved in a clustering arrangement[112] with two or more schools; others would not change at all; still others would be closed; and some would be involved in boundary changes.[113] In cases where schools were paired, one school would house grades K-3; the other, grades 4-6. A total of 34 schools would be unaffected; 5 would be closed; and 2 satellite schools would be established. Under this plan about 70 percent of the elementary school enrollment would be reassigned, but no details were given about specific, additional numbers of pupils to be transported or about busing distances. No details were given about the specific communities to be involved or grade changes in specific schools.

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[111] See note 71 for definition of these terms.

[112] A second arrangement under clustering, in addition to the more usual use of two grades in each of three schools, would be the assignment of one-third of each school attendance area to another school for 2 years, thereby assuring attendance at the same school of family members for a 2-year period. Then a new third of the attendance area would be changed and so on. "Plans for Further Integration," p. 29.

School staff presented sketchy data on plan II,[114] which would adjust the black enrollment of majority-black schools so that it would exceed 40 percent. Target schools included Central, Fairmont Heights, and Largo Senior High Schools, Mary Bethune, Kent, Maryland Park, Thomas G. Pullen, Thomas Johnson, and Walker Mill Junior Highs; and 34 black elementary schools. Nine white senior highs, 20 white junior highs, and 66 white elementary schools would exchange students with these schools in accordance with adjusted attendance zone boundaries and assignment of noncontiguous areas to the schools involved. This plan required that about 23,000 students transfer: 2,900 senior high, 3,300 junior high, and 17,000 elementary school. The number of black students involved was 10,000.[115]

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[113] Ibid.

[114] Ibid., pp. 34-38.

[115] Ibid., pp. 37-38.

Plan III[116] called for the transfer of black students out of and white students into the eight schools that had opened 100 percent black between 1954 and 1966, reducing the black enrollment in those schools to a maximum of 35 percent.[117] About 5,100 students would be reassigned: 800 senior high, 500 junior high, and 3,800 elementary school. More than half of those affected, 3,263, were black.[118]

Plan IV[119] called for voluntary transfer of black students from the eight schools that opened all black between 1954 and 1966 and the voluntary transfer of white students into these schools. About 4,500 students, including 2,860 whites, would have to volunteer under this plan, but no attempt was made to identify where volunteers would be found. Some 663 senior high, 370 junior high, and 3,500 elementary school students would be affected by this plan, which was essentially a "freedom of choice" proposal, a technique of proven ineffectiveness.[120]

These were the only details included in the four plans

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116. Ibid., pp. 39-40.

117. Fairmont Heights Senior High, Mary Bethune Junior High, and Beaver Heights, Doswell E. Brooks, Fairmont Heights, Glenarden Woods, Highland Park, and Orme Elementary Schools.

118. "Plans for Further Integration," p. 43.

119. Ibid., pp. 41-43.

120. The record of the general failure of freedom of choice plans to desegregate schools is contained in U.S., Commission on Civil Rights, Federal Enforcement of School Desegregation (Sept. 11, 1969), pp. 23-24.

presented to the board. No cost estimates were offered, and the last three plans gave few details about which and to what extent specific communities were to be involved, nor were distances involved in transporting students estimated.

On December 1, 1972, the school board met with nearly 1,000 parents to consider these alternatives. One board member reportedly urged his colleagues, "Let us send one of the minimum-type plans, and if the judge doesn't like it, let him send it back to us and say 'More'."[121] A State delegate allegedly exhorted the board simply to refuse to comply with the judge's order to submit a plan.[122] The board finally decided to submit all four plans to the court, proposing adoption of Plan I at the secondary level and Plan II at the junior high and elementary level.[123]

Tension mounted as the December 4 deadline approached. A local newspaper reported that the district's Member of Congress had met with civil rights lawyers at the Department of Justice and had contacted White House aides seeking a delay in implementation of a desegregation plan,[124] and that unsigned fliers had been distributed in the Beltsville area urging letter-

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121. Washington Post, Dec. 1, 1972, sec. A, p. 1, col. 7.

122. Ibid.

123. Ibid. See also Report of the Board of Education of Prince George's County and Petition for Modification of Prior Decree, at 16.

124. Washington Post, Dec. 10, 1972, sec. B, p. 1, col. 7.

writing campaigns to the President, the district's Member of Congress, and the Governor to obtain a delay.[125]

HEARING OF DECEMBER 4, 1972

On December 4, 1972, Judge Kaufman received the four board proposals and its recommendations to adopt the provisions of plan I at the senior high level and plan II at the junior high and elementary levels.[126]

Neither transportation plan proposed opening and closing hour schedules or contained cost estimates. According to the board's attorney, difficulties with the Lambda Corporation and the "tremendous size of the public school system" made it impossible to present a fully developed plan that was educationally sound and would not "impinge upon the health and safety of students," have "deleterious effects" upon the educational process, or cause overwhelming and staggering transportation costs.[127]

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[125] Ibid.

[126] Report of the Board of Education of Prince George's County and Petition for Modification of Prior Decree, Dec. 4, 1972, at 16, Vaughns. Plan I, with respect to senior high schools having no more than 35 percent black students; Plan II, with respect to those junior high schools that were majority black to have a maximum between 35-40 percent black students; and Plan III, with respect to elementary schools, "except that pupil assignment would be accomplished through pairing, clustering, satellite schools, middle schools, etc., [would be implemented] in such a way that no school would reflect a racially identifiable population."

[127] Id. at 18, 19.

The board of education also filed a petition to modify the judge's decree. It asked for further delay in desegregation of any grade until September 1973, on the grounds that "deleterious" effects would result for the educational system from a mid-year changeover, regardless of the plan adopted.[128]

The plaintiffs responded by moving for a contempt-of-court citation against the board of education.[129] They charged that by failing to submit completed plans "as ordered" on October 19, as opposed to simple criteria to be used for drawing up a plan, the board had not complied with the court order.[130] They pointed out that:

> ...the school plans submitted were incomplete and inadequate...[No] mention was made of the cost or effects of implementing said plans. At the elementary school level, there was no listing of all 166 elementary schools and what the resulting racial composition of the schools would be after implementation. Moreover, the plan utilized as the criteria for design the goal of reducing black concentration only at those schools which were presently in excess of 50 percent black. Yet on November 2, 1972, the defendants represented and assured this Court...that the criteria to be used was to eliminate all schools in excess of 35 percent black. The plan did not attempt to affect those schools which were virtually all-white, or in excess of 95% white.
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> The purpose, and probable effect, of these failures and refusals to comply is to render

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[128] Id. at 22.

[129] Motion to Cite for Contempt and Other Appropriate Relief, Dec. 4, 1972, Vaughns.

[130] Id. at 5.

> it impossible for plans to be implemented in the time schedule ordered by this Court...[131]

The plaintiffs also asked that the judge set up a board of experts to work out a plan and have the county pay for it.[132]

Judge Kaufman expressed surprise at the lack of a completed plan:

> I was told, as the record will make completely clear, during the hearings in August...I was assured over and over again during the intervening period that there was sufficient time for plans to be prepared which would include details with regard to cost, with regard to equipment, with regard to transportation schedules, with regard to how many additional miles any student would have to be bused, with regard to how many additional students not being bused at the present time would have to be bused.[133]

He continued, "I think there has been a great deal of sloppiness in the presentation of these plans."[134]

In connection with a possible midyear changeover, Judge Kaufman said further:

> ...I do not believe that any testimony that I have heard today is anything more than elaboration and, to some great extent, a repetition of what I heard in August. And if the record as the result of what I heard in August does not permit this Court to delay the senior high, at least the 10th and 11th grade changeovers until next fall, I do not believe that anything that I heard today justifies that... Nothing that this Court has read in anything that has been

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[131] Id. at 5.

[132] Id. at 6.

[133] Transcript of the Proceedings, Dec. 4, 1972, at 29-30, Vaughns.

[134] Id. at 187.

> presented to it since its August Order, would lead this Court to believe that it has any right, in view of the Fourth Circuit's comment, to delay the changeover with regard to the 10th and 11th grades.[135]

The district judge also noted:

> If there were reasons in the past why [complete] information and data could not be available in the court today, you have been in constant contact with the Court, there have been many conferences, many exchanges of documents; it was your duty to bring this to the attention of the Court today, and I do not mean to spend the precious time that we have in this case at this point hearing excuses with regard to the past. There was plenty of opportunity to present that before today, and today was not the time to do it. And I think you know that well, sir.[136]

But, in rejecting plaintiffs' petition to cite defendants for comtempt,[137] he did comment forcefully:

> ...the record discloses repeated and continuing attempts by the School Board to avoid changes required by the law, to develop varying methods for circumvention of the law, to delay any changes which are court ordered, and to state as reasons for delay, problems which are capable of at least partial solution without the sacrifice of Constitutional rights and principles.[138]

He went on to declare that the 35 to 40 percent black enrollment projection should not be considered sacrosanct, particularly if by using the 40 percent figure the number of students to be transferred might be reduced from 80,000 to

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[135] Id. at 161-62.

[136] Id. at 184.

[137] 355 F. Supp. 1044, 1047.

[138] Id.

20,000. He told the board's attorney that he found it "almost unbelievable" that the board had not presented alternative plans for fixing the black percentage of all schools at more than 35 percent. "No one wants to transport [pupils] for the sake of transporting," he commented.[139] "What I'm suggesting, and almost begging for, is a little bit of flexibility here... I suggest to you that you really may not have a busing problem at all."[140]

He then ordered the board to iron out all details in a plan that would be implemented on January 29, 1973. The board was to fill in the details missing in the plans by December 7, when additional hearings would be conducted. "The day is over when I can hear you tell me we are going to do the best we can," said the judge.[141]

The December 4 hearings ended with only one detail of a plan accepted by the court and the plaintiffs--that students in the senior class of high school would not have to transfer for the final semester of their high school career.

Hearings Continue

The board of education presented a revised plan when the hearings resumed on December 7. This plan focused on the 3 senior high schools, 6 junior high schools, and 34 elementary schools that were majority black. The attendance zones of 11 senior highs, 25 junior highs, and 106 elementary schools would be changed to reduce the black enrollment at the majority-black schools to 40 percent or less.[142] Some 30,000 students--including 5,000 senior high, 8,000 junior high, and 17,000 elementary school children--would be transferred. Of these, 12,176 would become bus riders for the first time: 10,134 elementary, 1,792 junior high, and 250, 10th and 11th grade students.[143]

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[139] Transcript of the Proceedings, Dec. 13, 1972, Vaughns.

[140] Id. at 178-179.

[141] Id. at 201.

The reductions in the number of students to be transferred and who would ride the bus in the revised plan resulted from a less rigid ceiling on black enrollment in county schools. While earlier plans had been geared toward keeping blacks in senior and junior high schools at a maximum level of 35 percent, the new plan aimed at raising the ceiling on black enrollment in any school to 40 percent. Some schools, however, would stay at 45 to 47 percent black to avoid the large scale transfers that allegedly would have been required to meet the new percentages.

No details were offered to the court about which sections of attendance areas for elementary schools would be affected. Despite the board's previous emphasis on possible harmful effects of mid-year desegregation upon curricular and extracurricular activities, no information was submitted on them. Nor was any estimate offered of possible changes in school opening and closing hours.

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[142] Supplemental Report to the Court by Defendants, Dec. 7, 1972, at 2, Vaughns.

[143] Id. at 2-3.

School officials estimated that it would cost about $586,000 for increased transportation expenses to implement the plan in January for all students except those in the 12th grade. But they did not submit any details on how the money would be spent.[144]

The board stated that such details were omitted because of "lack of sufficient time" between the court directive of December 4 and the hearing date of December 7.[145] It asked for additional time for this purpose, especially in regard to elementary schools.[146]

After receiving the supplemental report, Judge Kaufman stated:

> ...This Court rejects the suggestion of lack of time to do anything, in view of the time that has elapsed since August, and the amount of leeway that has been given in this case. The statement over and over again in this report that there has been a lack of sufficient time does not seem in accord with the facts.[147]

He found it "almost incredible" that the cost of implementing the plan would amount to $586,000 and asked for a breakdown of that figure.[148]

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[144] Id. at. 4.

[145] Id.

[146] Id. at 14.

[147] Transcript of the Proceedings, Dec. 7, 1972, at 6, Vaughns.

He also stressed that:

> ...Swann made it quite clear that the approach should be a flexible one and not one that is compelled by any particular mathematical formula or any other approach other than the basic approach which I have stated; namely, that there should no longer be black schools or white schools, or white schools and black schools, there should be schools.[149]

Judge Kaufman observed that the board had not cited any court decisions that stipulated precise percentages to be used for desegregating students.

It was pointed out during the hearing that "...some of the [proposed] transferring seemed to be over-kill where half the student body in one particular school would be transferred to effect a 2 percent increase in the makeup of the student body."[150] Refusing to appoint an outside expert, Judge Kaufman ordered the board to return to the drawing board to minimize student transfers and busing: "Every effort should be made to modify that plan to reduce the number of pupils to be transferred, the number of pupils to be bused...and another aim would be to reduce the number of miles pupils would have to be bused."[151]

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[148] Id. at 7.

[149] Id.

[150] Id. at 17.

Judge Kaufman also reminded the board of the need to eliminate schools that were predominantly one race after it had become clear that all of the board's plans to date had continued to deal solely with black schools and the relatively few white schools that were to be paired or clustered with them. At least 32 of the heavily white schools were to remain more than 90 percent white.[152]

On December 8, 1972, the board's attorney predicted that more transfers and busing would be required than previously estimated to meet the order to eliminate all predominantly one-race schools.[153] The number of junior high school students, for example, would have to be substantially increased, it was reported.[154] He admitted that Judge Kaufman had previously stressed the need to include heavily white schools and said that, as the board's lawyer, he had advised the members that changes must also be made in those schools. The failure to deal with

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151. Id. at 14.

152. Supplemental Report to the Court by Defendants, Racial Composition of Unaffected Schools, Dec. 7, 1972.

153. Paul Nussbaum, Attorney, PGC Board of Education, letter to Chester Whiting, President, PGC Board of Education, Dec. 8, 1972. This letter reminded the board president of Judge Kaufman's concern about one-race schools. It closed with the attorney's commenting that, "I cannot help but reflect that perhaps the time has come for all interested persons concerned to accept the reality of a January 29, 1973, changeover in the manner and proportions this letter states."

154. Washington Post, Dec. 9, 1972, sec. B, p. 1, col. 7.

white schools, he claimed, resulted from Lambda Corporation's failure until as late as December 1, 1972, to develop a plan involving both white and black schools. As a result, the school staff had only a month to develop proposals without any guidelines, he said. Consequently, it had emphasized changing the heavily black schools.

While the revisions were being made, the board met on December 12 and voted 5-3 to seek help from the Department of Justice to overturn the impending court order. The three board members who voted against this were reportedly greeted with shouts of "We'll remember you!" from the audience.[155]

Judge Kaufman Rebukes Board

On December 13, 1972, the board of education offered its revised plan to the court and informed the judge that, no matter what plan was ordered, it would appeal to the circuit court for a delay in its implementation.[156] On the same day, Judge Kaufman filed a memorandum[157] in which he formally denied the plaintiffs' petition to cite the school board for contempt.[158]

Citing the Supreme Court decisions in Green and Swann,[159] the judge said:

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[155] Washington Post, Dec. 13, 1972, sec. B, p. 6, col. 1.

[156] 355 F. Supp. 1044, 1050 (D. Md. 1972).

[157] 355 F. Supp. 1044 (D. Md. 1972).

[158] Id. at 1047.

[159] 391 U.S. 430 (1968) and 402 U.S. 1 (1971).

> In this case, the Prince George's County School Board, despite repeated warnings by officials of the Federal Department of Health, Education, and Welfare (HEW) and in the face of debate and discussion at countless board meetings, has continued up to the present time to operate a system...under standards rejected by the Supreme Court in Green and again in Swann. Swann is written in detailed and easily understandable language. No counsel, or staff expert, who has participated in discussions with Court or counsel, has indicated any lack of understanding of Swann. And yet, the School Board has persisted, until the end of last week, in presenting views and plans to this Court which are clearly violative of Swann, a decision binding upon...the Prince George's County School Board, and every court and school board throughout the land. "This," as Judge MacMillan wrote in the District Court in Swann, "is a matter of law, not anarchy; constitutional right, not popular sentiment."[160]

Recalling his repeated pleas for flexibility, unrestricted by any "...foreordained mathematical formula,"[161] Judge Kaufman went on:

> Those plans which have been presented to date by the School Board have by their own adherence to one or more fixed mathematical percentages called for more student transfers from school to school and the transformation of more walkers into bus users, than is necessary. Apparently, by so proposing, the School Board hoped to convince this Court to leave undisturbed many schools, particularly neighborhood elementary schools, whose current black-white populations place them within the category of one-race or largely

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160. 355 F. Supp. 1044, 1048 (D. Md. 1972).

161. Id. at 1049.

> one-race schools and most of whose students can walk to school....[162]
>
> The plans presented to date...would result in the elimination of many one-race schools, but would leave a large number in existence. While a few such situations might well be justifiable, in view of the great distances between certain schools, the continuation of one-race schools, simply to avoid turning walkers into users of buses, cannot be permitted. That is a major lesson of Swann. The neighborhood school concept...cannot, at the elementary or any higher level, compel a continued pattern of unconstitutional segregation.[163]

The judge said his final court order would be issued at the "earliest possible date," to leave ample time for an orderly appeal before implementation.[164] Plaintiffs agreed that the plans then formulated for faculty and administration desegregation were generally satisfactory and that the school construction problem would be deferred to a later date.[165]

Community Tensions

The court's December 13 memorandum was issued, although the weeks and days immediately prior to it indicated growing confusion. One aspect of the confusion was that, on December 4, the principal of Suitland High School testified that he had not had direct formal notice from the school system that there might be a midyear desegregation changeover.[166] Both the Suitland principal and the principal of High Point Senior High School testified that it would take from 4 to 6 weeks to prepare for a midyear changeover.[167]

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[162] Id.

[163] Id. at 1050. Washington Post, Dec. 17, 1972. Richard Falcon, one of the plaintiffs' attorneys, confirmed that such points were discussed in work sessions with attorneys, staff, and the court. All specific complaints by neighborhood groups or individuals about alleged unfairness in the plan were discussed in these work sessions.

[164] 355 F. Supp. 1044, 1051 (D. Md. 1972).

[165] Transcript of the Proceedings, Dec. 7, 1972, at 173, Vaughns.

On December 9, 1972, the Coalition for School Desegregation held workshops to develop methods for bringing about peaceful desegregation in county schools. The organization also distributed fliers explaining the legal requirements for further desegregation in the county and pointing out that the court-ordered desegregation that could come on January 29 was much less than that which had occurred in other school districts.

At a special meeting in early December 1972, the board of directors of the Prince George's Educators' Association (PGEA) went on record unanimously in favor of total integration, although the board split on a motion to delay desegregation until the following September.[168] Soon after, PGEA polled its members and found 2,700 in support of total desegregation with 1,700 against it. By a vote of 3,376 to 1,452, the respondents favored doing everything necessary to abide by the spirit and letter of the expected court order. But the teachers favored postponement of desegregation of any grade until September 1973 by a vote of 3,546 to 1,061.[169]

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[166] Transcript of the Proceedings, Robert L. Gough, Principal, Suitland Senior High School, Dec. 4, 1972, p. 86.

[167] Transcript of the Proceedings, Robert L. Gough, Principal, Suitland Senior High School at 86 and Allan I. Chotiner, Principal of High Point Senior High School at 112, Dec. 4, 1972.

[168] Enquirer-Gazette, Dec. 14, 1972.

On December 14, 15, and 16, 200 students from county junior and senior high schools attended a leadership workshop and conference on desegregation sponsored jointly by the office of student concerns and PGRASG, the regional association of student governments.

Meanwhile, opposition to the anticipated court order continued to mount. On December 11, a group of about 1,000 citizens met at a joint State senate-house hearing to demonstrate its support of officials and private citizens advocating an elected school board. A motorcade of about 700 parents proceeded to the State House in Annapolis to inform the Governor of their opposition to the extensive reassignments and busing they expected. Although promised that the State legal department would examine the final busing order to determine what, if any, legal course the State might take, some parents reportedly jeered the Governor when he reminded them that, "We do have a constitutional form of government."[170]

Student protests also occurred in December. On December 14, the day after Judge Kaufman issued his memorandum criticizing the board of education, approximately 3,000 junior and senior high school students held "authorized" demonstrations against busing at Northwestern High School in Hyattsville and Kent Junior High in Palmer Park.[171]

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[169] Ibid.

[170] Washington Post, Dec. 12, 1972; p. 1, col. 1.

At the same time, about 1,000 students walked out of classes without permission in the third successive day of protests at a dozen high schools.[172] Two Suitland High students were arrested, and an unsuccessful attempt to set a bus on fire at John Hanson Junior High was reported.[173] Some parents claimed that the walkouts were carried out in support of the Annapolis motorcade.[174]

No action had been taken against any students during the first 2 days of the walkouts, reportedly at the behest of the board of education. On the third day, however, the

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171. Some demonstrations were permitted under student regulations that had recently been liberalized. The demonstrations were approved in each instance by the principal of the school. Washington Post, Dec. 15, 1972, sec. B, p. 1, col. 1.

172. Washington Post, Dec. 13, 1972, sec. B, p. 1, col. 5; Dec. 14, 1972, sec. A, p. 12, col. 1; and Dec. 16, 1972, sec. C, p. 1, col. 8.

173. Washington Post, Dec. 15, 1972, sec. B, p. 1, col. 1. One school official noted that the major disturbances at Suitland Senior High resulted only after television crews arrived in front of the school.

174. Ibid. The school official referred to in note 173 said that white demonstrations were not spontaneous (adult involvement was quite clear), a "snowball" effect followed, and a "holiday" atmosphere was created with Christmas vacation only a few weeks away.

superintendent threatened to suspend those demonstrating illegally. On December 14, the county executive held a press conference to warn that a dangerous and explosive situation was approaching.[175]

Several days later, as more boycott efforts appeared certain, the district's Member of Congress called on students to "keep law and order in the schools" and "set an example for some of your elders who are allowing their emotions to get the better of them."[176] Several members of the school board called a press conference on December 18 to warn that the boycotts had the potential for unintended violence.[177]

Despite these appeals for calm, several thousand junior and senior high school students boycotted classes on December 19, mainly in the northern section of the county.[178] Parkdale Senior High reported 55 percent of its students absent and Bladensburg Junior high, half of its student body out. The average absentee rate in junior and senior high schools was reportedly about 25 percent. No violence occurred at these schools, however, and other high schools, including Largo, Suitland, and Potomac, reported normal attendance.[179]

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[175] Washington Post, Dec. 15, 1972, sec. A, p. 12, col. 1.

[176] Washington Star, Dec. 17, 1972.

[177] Washington Post, Dec. 19, 1972, sec. C, p. 1, col. 7.

[178] Ibid. Estimates differed as to number of students participating. The Post reported that 8,000 students were involved. School staff estimates were lower.

On the same day as this boycott, six members of a team from the Justice Department's Community Relations Service met with county officers--including police, school board members, the county executive, and county council personnel--seeking their cooperation and discussing possible contingency plans for what seemed to be a threatening situation. One fear was that parents might physically attempt to block schoolbuses from departing on their routes in January.

Hearings Resume

The board of education made a final plea for delay on the last day of hearings before Judge Kaufman on December 26, 1972. The board's attorney warned that the effect of transferring students on January 29 would be "chaotic as well as catastrophic" for the district.[180] He and various school staff members again cited problems of rescheduling courses and the breakup of sports and other extracurricular activities if such a mid-year shift were ordered.[181] They declared that transfer in January would have particularly damaging effects on the learning of elementary school pupils.[182]

The revised plan submitted at this hearing was considered

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179. Ibid.

180. Transcript of the Hearings, Dec. 26, 1972, at 46, Vaughns.

181. Id. at 50-52.

182. Id. at 50.

"educationally sound" by the board but only if put into effect in September 1973. (It had been defeated by a 5-4 vote on December 22, even though the board was told by its attorney that "in all likelihood the proposal would be ordered into effect anyway."[183])

Following testimony on the likelihood of serious disruptions to the educational process if implementation were ordered at mid-year, Judge Kaufman responded:

> Do you know of any study that has been conducted where there have been mid-year changeovers that have caused these problems?....[I]sn't a good deal of what is being suggested applicable to individuals when there are individual changes and when a family moves from one section to another, or something of the kind?....Has there been any indication...that these problems...have been encountered when there have been the total shifts within a schools population of the kind that has occurred in many cases in which there have been mid-year changeovers?[184]

Counsel was not familiar with any such studies.[185]

Judge Kaufman then contradicted the board's argument that the August 31 testimony about mid-year disruption pertained only to elementary schools, and not junior and senior high schools, the subject of new affidavits presented at the December 26 hearing.[186] After further questioning, Judge Kaufman drew an agreement from the board's attorney that problems regarding the interrelationship of transportation schedules, teaching assignments, student activities, procuring or leasing additional buses, and financing had been faced, and that the proposed plan "was about as good a plan by the staff as the staff thought they could come up with."[187] Yet the board's position remained that mid-year desegregation would be disastrous.

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[183] Washington Post, Dec. 27, 1972. See also: Transcript of the Proceedings, Dec. 26, 1972, at 12, Vaughns. The board majority insisted the county schools were being operated in a constitutionally prescribed manner.

[184] Transcript of the Proceedings, Dec. 26, 1972, at 78, Vaughns.

[185] Id. at 79.

Judge Kaufman also noted that 24 to 35 new schools built in the county since 1968 had opened as one-race schools, which made him question the board's desire to open new schools and operate new schools in accordance with the Brown-Swann standards.[188] He closed the hearings by promising a final order in the case within a week.[189]

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[186] Id. at 80.

[187] Id. at 75. The board also agreed that bus equipment and proposed routes were safe. In fiscal year 1972, the county's schoolbuses had the lowest accident rate per 100,000 miles driven in 7 years, according to a report prepared in August 1972 by the Loss Control Management (LCM) Corporation. While the number of vehicles operated increased 25 percent and the number of miles driven increased by 43 percent, the number of vehicle accidents reported in FY 1972 was a 10 percent reduction from the year before and 1 percent less than in FY 1970. See also: Transcript of the Proceedings, Dec. 26, 1972, at 28-29, Vaughns.

[188] One-race schools were those with black enrollemnts of either 50 percent or more, or 10 percent or less. Of the 24 schools, 5 were more than 90 percent black and another 5 over 90 percent white. Transcript of the Proceedings, Dec. 26, 1972, at 85-90, Vaughns.

[189] Id. at 118.

JANUARY DESEGREGATION ORDERED

On December 29, 1972, Judge Kaufman ordered implementation of the proposed desegregation plan on January 29, 1973, for all grades except the 12th. He stated that "regardless of the reason why, the Prince George's County School Board has disregarded the mandates of the highest Court of our land"[190] and that:

> ...the policy and practice apparently followed by a number of School Board members, of seeking at every stage and at every available moment, ever further delays, and of failing to exert affirmative leadership to effect required constitutional change, discourages further delay until September, 1973 ....the School Board's emphasis in July, in August, and again in December of 1972, has been to seek and to justify delay; rather than to find the most palatable ways in which to change an unconstitutional school system which defendants have had over 18 years to cure. The record indeed even reflects that the determination on the part of the School Board to delay was so great that during the months between August 31, 1972 and December 7, 1972, the board failed to give a sufficient green light to its very able staff members to enable them to ready a plan meeting _Brown_-_Swann_ standards. Since December 7, 1972, the time which has elapsed has been...sorely needed by those staff members.[191]

He pointed out that busing was an existing condition for nearly one-half of the entire student population and, specifically, for more than one-third of the elementary school population.[192] Rejecting the argument that the board had insufficient time to implement the plan,[193] Judge Kaufman closed by stating that he would retain jurisdiction in the case in order to supervise implementation of the plan.[194]

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[190] 355 F. Supp. 1051, 1053 (D. Md. 1972).

[191] Id. at 1063.

The Plan

The staff plan[195] ordered into effect on January 29, 1973, by Judge Kaufman, with modifications approved by the court on January 22, 1973,[196] involved 185 of the 232 operating schools, including 142 elementary schools, 30 junior high schools, and 13 senior high schools.[197]

Under the plan, the number of largely one-race schools was to be reduced from 162 to 11. Two schools would remain more than 50 percent black (Baden and Orme).[198] Most of the 11 schools were expected to decrease in their percentage white as new school construction occurred.[199] Some 33,277 pupils in kindergarten through grade 11 would be reassigned.[200] (See table 4.1.)

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[192] Id. at 1058.

[193] Id. at 1059.

[194] Id. at 1064.

[195] Id. at 1054.

[196] Order, Jan. 26, 1973, Vaughns.

[197] Introduction to Prince George's County Desegregation Plan, Dec. 20, 1972.

[198] 355 F. Supp. 1051, 1054 (D. Md. 1972).

[199] Id.

Busing

Of the total number of 33,277 pupils to be transferred, 8,572 black and 4,705 white walkers would become riders.[201] The total number of students eligible to be bused would increase from about 78,000 (48.4 percent of enrollment) to 90,761 (56.1 percent of enrollment).[202] (See table 4.1.)

The plan provided a maximum busing time of 35 minutes per trip for any student, with an average ride of about 14 minutes one way.[203] The average ride before plan implementation was 10, 11, and 18 minutes at the elementary, junior, and senior high school levels, respectively.

By way of contrast, in 1971, seven elementary school bus runs were 35 minutes or more one way, and seven junior and senior high bus runs were 50 minutes or more each way. At least six regular high school bus runs were 10 miles or more one way, with four of them 15 miles or more. Moreover, two vocational bus runs

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[200] Prince George's County Public Schools Desegregation Plan (hereafter cited as "PGC Plan"). Table 1, Summary of Prince George's County Public Schools Desegregation Plan, Board of Education of Prince George's County, Upper Marlboro, Maryland, Carl W. Hassel, Superintendent of Schools, p. 1 (undated). See additional data in table 4.1. Special Education children in self-contained classrooms and pupils in the ROTC program and in special vocational education programs were not included in the transfer.

[201] Ibid., p. 1.

[202] 355 F. Supp. 1051, 1058 (D. Md., 1972).

[203] Id. at 1056.

Table 4.1

PROJECTED RESULTS OF JANUARY 1973 DESEGREGATION PLAN

Racial composition of schools: Percent black		No. of schools before implementation	No. of schools after implementation
0-4.9		83	0
5-9.9		35	11
10-39.9		56	200
40-49.9		14	15
50-59.9		9	2
60-100		35	0
	Total:	232	228

Students Reassigned

Elementary	Junior High	Senior High (except 12th grade)
10,819 black	4,077 black	1,547 black
10,680 white	3,808 white	2,346 white
21,499 total	7,885 total	3,893 total

Additional Students Transported

Elementary	Junior High	Senior High
6,997 black	1,346 black	229 black
4,075 white	624 white	6 white
11,072 total	1,970 total	235 total

were 17 and 54 miles each way in 1971.[204]

The total anticipated cost of the plan was $546,150, of which $116,790 was to be for after-school, activity-bus runs.[205] The staff said that the new buses would be needed to implement the plan.[206]

The State of Maryland reimburses counties for most of their transportation costs and Prince George's expected to receive at least $5 million from the State toward the total county transportation budget of $6,139,790 for FY 1973. About 12 percent ($678,459) of this covered transportation for desegregation.

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[204] Anthony R. Miller, Supervisor of Transportation, PGC Schools, letter to Ruth S. Wolf, Member, PGC Board of Education, Nov. 3, 1971. Some 5,346 elementary and secondary students were bused one and one-half miles or less in 1971 because of unsafe walking or traffic conditions or lack of sidewalks. Assistant Superintendent for Supporting Services, PGC Schools, Memorandum to PGC Board of Education, Executive Council, and Superintendent, Dec. 13, 1971.

[205] Introduction to "PGC Plan." The actual cost of implementing the plan was $524,325. Paul Nussbaum, Attorney, PGC Board of Education, letter to Carl W. Hassel, PGC Superintendent of Schools, Feb. 26, 1973. Total desegregation expenses (security, closing of some schools, etc.) for FY 1973 amounted to $1,136,655. (Carl Hassel, PGC Superintendent of Schools, Memorandum to PGC Board of Education, Executive Council, and Principals, Nov. 28, 1973.) Of the total, $303,673 was a one-time expense for the purchase of 40 buses.

[206] Contrary to the concern expressed earlier by school officials that the system did not have--and would have difficulty getting--enough buses to implement the plan when it was first ordered in late December, the district had only to borrow some buses from neighboring counties while using 25 of their spares. Forty new buses were purchased in FY 1973. From 1965-1966 through 1971-1972, at least 46 and as many as 62 new buses were added each year to the district's bus fleet. (Anthony R. Miller, memorandum to Sally Majak, June 28, 1973.)

School hours were to be changed in many schools to provide better utilization of the school buses. Some 13 schools would open at 7:30 a.m., Previously, six schools had opened at 7:45 a.m. Most schools were to open at 8:30 a.m. The latest opening time was set at 9:30 a.m.[207]

Specific Examples-- Examples[208] of the way in which specific schools would be affected are as follows: Central High School would reduce its black enrollment from 91 to 23 percent by sending 272 students to Crossland High School and 364 students to Bladensburg, Fairmont Heights, and Bowie High Schools. A total of 235 of these pupils were to be bused. Central would also receive 244 students from Crossland and 259 from Surrattsville High. Nearly all of these students were white.

Parkdale Senior High would increase its black enrollment from 3.2 to 25.7 percent by receiving 395 students from Largo and 240 from High Point High. It would send 729 white students to Largo, Fairmont Heights, and Bladensburg. None of these students would become new bus riders.

Thomas G. Pullen Junior High School would reduce its black enrollment from 91.8 to 32.8 percent by transferring 704 students to Glenridge, Greenbelt, and Benjamin Tasker Junior High Schools. It would receive 357 students from Benjamin Tasker and 204 from Spaulding and Frederick Sasscer. None of the 1,265 students involved in this transfer would become new bus riders.

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[207] "PGC Plan," pp. 25-27.

[208] Ibid. The specific examples are all derived from selected charts within the desegregation plan.

Charles Carroll Junior High, on the other hand, would increase its black enrollment from 1.4 to 31.4 percent by sending 392 students to and receiving 415 students from Kent Junior High, which had a black enrollment of 90 percent. All of these students would be bused for the first time.

At the elementary school level, Beaver Heights would reduce its black enrollment from 100 to 40 percent by transferring 260 students to Cheverly-Tuxedo, Ager Road, and Hyattsville Elementary Schools. Some 234 of these children would become new bus riders. Beaver Heights would also receive 197 pupils from Ager Road and 184 from Hyattsville. A total of 142 of these students would ride the bus for the first time.

College Park Elementary would raise its black enrollment from 0 to 33 percent by receiving 102 newly bused black students from Fairmont Heights Elementary, which was to be closed. As College Park was operating well below capacity, it was not necessary to send any of its students elsewhere.

Finally, Kettering Elementary, which had opened with a 100 percent white enrollment in 1971, and neighboring Randolph Village Elementary, a black school, would exchange students without any additional busing. Kettering would increase its black enrollment from 5.5 to 33.3 percent by transferring 262 students to Randolph Village. The latter school would reduce its black enrollment from 86.5 to 38.4 percent by sending 202 students to Kettering and 114 to Pointer Ridge Elementary School.

These examples demonstrate that substantial additional desegregation could be accomplished by simply reassigning students with a minimum of new bus transportation. The Kettering-Randolph Village exchange shows that two adjacent schools with white and black attendance zones could be desegregated by simply reassigning students without any additional busing.

At the beginning of 1973, it was generally expected that the board of education would appeal the scheduled implementation of the plan at mid-year. On January 4, the Governor of Maryland commented at a news conference: "...in the next six months I bet you don't have much education over there if the plan goes into effect...there's going to be so much confusion there's not going to be much education."[209]

The beginning of the planning for possible mid-year desegregation, however, had finally taken place. In early December, the superintendent had appointed a staff aide to head a 21-member task force that was to iron out administrative problems involved in the proposed shifts. The task force was also directed to study the tremendous opposition that had developed over the changes that required additional busing. This task force was to plan "Project Desegregation."[210]

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[209] Governor Marvin Mandel, transcript of news conference, Jan. 4, 1973.

PROJECT DESEGREGATION

"Project Desegregation: Making It Work" was the responsibility of a group that included students, teachers, and citizen representatives from organizations such as the County Council of PTA's, the Chamber of Commerce, YMCA, NAACP, the League of Women Voters, the Prince George's Human Relations Commission, and the local ministry, who were organized into an interdenominational, interracial group called Clergy for Peaceful Desegregation. About 150 ministers worked together in this unprecedented effort, which cost some of them their jobs because of pressures from their congregations, according to a group spokesman.

The specific goal of Project Desegregation was to "improve race relations in order to maintain effective instruction."[211]

Its objectives were as follows:

1. To help all target groups to be aware of their own feelings about race relations and to provide opportunities for developing effective interpersonal relationships within and between target groups.
2. To ensure that all target groups have knowledge of students, the financial

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[210] "Proposed Plan for Improving Race Relations in Prince George's County Public Schools" (December 1972). See enclosed letter from Superintendent of Schools to Task Force members, pp. 1-5.

[211] Ibid., p. 7.

structure of the system, and policies and procedures that would enable them to work effectively in the reassignment of students.

3. To ensure the availability of programs, resources, facilities, services, and extracurricular activities for students affected by their reassignment to different schools.[212]

Target groups included students, administrators, teachers, pupil services personnel, classified staff, instructional supervisors, budget officers, teacher personnel officers, the executive council, the board of education, parents, and the community. The underlying assumption was that successful desegregation could only be achieved if all participants in the school system were properly informed and committed to its implementation. A plan in support of the objectives was to be ready in 2 weeks.[213]

The special assistant in charge was made directly responsible to the superintendent. This individual was authorized to clear the purchase of new textbooks and to select areas from which students were to be bused. A newsletter was sent regularly to all principals, who were to meet weekly with the task force beginning the first of January. The student affairs office served as liaison with student groups and was in charge of all student programs.

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[212] Ibid.

[213] Project Desegregation: Plans for Successfully Desegregating the Prince George's County Public Schools, Schedule for Implementation of Plan for Improving Race Relations in Prince George's County Public School System, December 1972, p. 28.

The crash program was put together successfully, according to one observer, who said that, although some task force members personally opposed busing, they were committed to peaceful and efficient implementation of the plan.[214]

The response to the program was, on the whole, good, according to the observer, although it varied in different communities and schools. Some teachers refused to believe that desegregation would actually take place at mid-year, after having been successfully put off for so long. They, therefore, held back from full participation in the program. Of all the target groups whose cooperation was considered essential in paving the way for smooth implementation, classified personnel--including bus drivers, cafeteria workers, clerks, and custodians--were singled out as the most cooperative. The least cooperative or responsive target group, according to staff members, was the board of education.

A contingency plan was worked out in anticipation of an appeal and possible stay of the court order. Otherwise, activities accelerated in January. Staff from the U.S. Commission on Civil Rights were invited to discuss school desegregation with faculties at several schools.[215] A workshop was held on January 15 for student government advisors and counselors from each secondary school. An information center was set up to answer questions about changes in curriculum, school times, and other particulars under the plan.[216] Coaches were instructed that transferring athletes must be allowed to join teams at new schools. Student government officers, yearbook and newspaper staffs, school band members, and cheerleaders were all automatically to retain their positions and to serve jointly with present officers and members at their new schools.

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[214] Details of all activities planned under Project Desegregation are listed in app. B.

THE CASE GOES TO APPEAL

After Judge Kaufman's December 29 order requiring implementation of desegregation on January 29, 1973,[217] observers anticipated an immediate appeal to the Fourth Circuit Court of Appeals.[218] Despite the urgent need to have a determination on

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215. Three Commission on Civil Rights staff members addressed faculties at elementary schools within the county and one staff member attended a Desegregation Task Force session during the same period.

216. Project Desegregation: Plans for Successfully Desegregating the Prince George's County Public Schools, Target: Availability of Program-E, (Including courses, extracurricular activities and Interscholastic Sports), December 1972, p. 23.

217. For the 1972-73 school year, seniors would be permitted to spend their last semester in the school they were attending at the beginning of the school year.

218. Washington Post, Dec. 30, 1972, sec. A, p. 13, col. 1. See also Transcript of the Proceedings, Dec. 26, 1972, at 116, Vaughns.

the merits, the board of education on January 9, 1973, more than 10 days after the judge's order, filed an application for stay[219] instead of an appeal.

The Fourth Circuit Court of Appeals received the application for stay and Chief Judge Clement Haynesworth replied:

> The Chief Judge of this Court was in indirect communication with counsel late last month, informing them that if a notice were promptly filed and an expedited brief schedule followed, any appeal or appeals would be heard by the Court during this week. The School Board did not promptly file a notice of appeal...,[and counsel] could not file a brief in the Court in time for the case to be heard this week.[220]

Despite the delay, resulting in part from the "temporary illness" of the board's attorney, the Chief Judge stated:

> We recognize the desirability of having the issues on appeal determined, if possible, before the date set in the order of the District Court for its effectuation [January 29]. This was the reason for the Court's willingness to provide quick expedition for the appeal. The Court is still prepared to expedite it.[221]

A hearing on the merits was then scheduled before the appeals court en banc for January 22, 1975. Action on the application for stay was postponed until the hearing of the appeal on the merits.[222]

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[219] Application for Stay by Defendants, Jan. 9, 1973, at 1-31, Vaughns.

[220] Order of the U.S. App. Ct. at 1, Vaughns v. Board of Education of Prince George's County, Civil Action No. 73-1023 (4th Cir., January 10, 1973) [hereafter referred to as Vaughns Appeal].

[221] Id. at 2.

In the application for stay, the board of education argued, among other reasons, that the stay should be granted because the order was unreasonable, posing threat of irreparable harm to applicants-defendants; that the order for mid-year implementation was contrary to the court of appeals' mandate of October 12, 1972; that there was an abundance of evidence, uncontradicted and uncontroverted, that any mid-year implementation would have disruptive effects of a most serious magnitude that would not be present if implementation were delayed until September 1973; and that no school system the size of applicant-defendants had been compelled to change over at mid-year.[223]

The board's attorney, arguing for a reversal or at least a delay in the order, attempted to distinguish Prince George's County from other Southern school districts, referring to numerous voluntary steps that the county had taken since 1954 to desegregate its schools. The one-race schools that remained, he alleged, were the result of changing neighborhood patterns and were not the result of deliberate, official policy by the county school board. If the court order for "attaining a mystical racial balance" in schools were allowed to stand, it would "add a new chapter in the history of the annals of school desegregation law," he contended.[224]

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[222] Id.

[223] Application for Stay by Defendants, Jan. 9, 1973, at 17-31, Vaughns Appeal.

"That order doesn't do that, does it?" Judge Haynesworth asked the attorney. The chief judge noted that the lower Federal court had mandated the transfer of pupils so that generally no school was greater than 50 percent black or less than 10 percent black and that within those limits there were numerous variations of racial proportions.[225]

The U.S. Department of Justice intervened as *amicus curiae* on the question of stay. While conceding the "violation," the Justice Department questioned whether the extent of the violation warranted "such a broadbrush approach to relief."[226] The Department contended that the lower court probably should have ordered changes only for the heavily black schools that existed before 1954, excluding schools that had become largely black since then.[227]

The county government, joining the defense, pleaded for delay on the grounds that the anticipated $600,000 additional expenditure to be used to pay for the plan's extra costs could more easily be appropriated the following September than the following week.[228]

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[224] Transcript of the Proceedings, Jan. 22, 1973, Vaughns Appeal.

[225] *Washington Post*, Jan. 23, 1973, sec. A, p. 6, col. 2.

[226] Brief for U.S. Dept. of Justice as Amicus Curiae at 2, Jan. 17, 1973, Vaughns Appeal.

[227] Id.

Finally, the State of Maryland asked that a delay be granted so that the Governor could have time to launch a crash program of school construction aimed at achieving further desegregation without substantial additional busing.[229] But Judge Haynesworth told the Governor's lawyer, "What you propose is new school construction. That...takes...time."[230] The chief judge and the other judges emphasized that, after 18 years of various Supreme Court decisions, time was not theirs to give.

The court of appeals, in unanimous agreement, then announced it would uphold the order to desegregate county schools at mid-year.[231] It termed the case "routine," fitting the mold of numerous similar cases in which Southern school districts had been desegregated since the 1954 Brown decision of the Supreme Court. "This seems to us a more routine case than it does to the [Prince George's County school board]...This case is the same kind of case we had in the cases to the south of here," said

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[228] Brief for Prince George's County as Amicus Curiae at 1, Jan. 17, 1973, Vaughns Appeal.

[229] Brief for the State, State Superintendent of Schools, and Governor of Maryland as Amicus Curiae at 7, Vaughns Appeal.

[230] Transcript of the Proceedings, Jan. 22, 1973, Vaughns Appeal.

[231] Appeals from U.S. District Court of the District of Maryland, Civil Action No. 73-1023, 73-1024, Jan. 23, 1973, at 1, Vaughns.

Judge Haynesworth.[232]

In reviewing the history of Prince George's school system, the chief judge noted that, when supposedly formally dispensing with its legally-segregated school system after the 1954 Brown decision, Prince George's adopted a "freedom of choice" policy by which black pupils were obliged to apply to the board of education to attend formerly all-white schools. "This was done all through the South," the judge commented, noting that courts later ruled that, if full desegregation were not accomplished by this method, then some other desegregation tool had to be used. He went on to point out that most school systems had later adopted a policy by which pupils, black and white, attended schools closest to them. "That's exactly what you have done," he said.[233]

The judge cited the Supreme Court's decision in Swann that ruled that measures such as gerrymandering of school attendance zones and busing were to be used, if necessary, to eliminate the last remnants of the former, legally-segregated school system. "Those are the facts we have now," he told the board.[234]

Regarding the board's plea for delay until September 1973 in carrying out the transfers, the judge said that previous Supreme Court decisions had made clear the necessity for speed in carrying out desegregation orders. "There's really no room for us to exercise much judgment here," he said.[235]

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[232] Transcript of the Proceedings, Jan. 22, 1973, Vaughns Appeal.

[233] Id.

[234] Id.

On the same day that the appeals court affirmed the decree of the lower court, the Supreme Court rejected a petition seeking review of the appeals court's October 15 ruling, which ordered reconsideration of the decision to delay senior high school desegregation until September 1973.[236]

Many parents in the county appeared to lose hope for any further delay in desegregation because of these rulings. Another appeal to the Supreme Court for delay was soon filed but was viewed as perfunctory by most.[237] Few expected, in light of the consistent court decisions to date, that the Supreme Court would halt the projected mid-year transfer, and the Court did not.[238]

ESAA APPLICATION

As the final planning for the changeover continued, the staff set about drawing up an application for $1,737,981 in

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[235] Id.

[236] Eller v. Bd. of Educ., cert. denied, 410 U.S. 910 (1973).

[237] On January 26, 1973, the Supreme Court denied without comment the Application for Stay. Vaughns v. Board of Education, Application for Stay denied, 410 U.S. 918 (1973).

[238] See, e.g., Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969).

Federal aid under the Emergency School Aid Act (ESAA).[239] The application was formally submitted on March 8, 1973. The ESAA program outlined, if approved, would be implemented during the period from July 1, 1973, through June 30, 1974.

Staff members pointed out that the limitation on minority enrollment in the schools would result in significant changes in student needs at many schools. Teachers, for example, would have to be retrained to deal effectively with a broader range of reading levels. Administrators were also anxious that parents be actively involved in home-school reading programs, considered essential if young children were to do better in school.

The application identified five specific problem areas: (1) remedial reading, (2) pupil service support, (3) identification of gifted students from minority groups, (4) staff development, and (5) student and community services.

__Remedial__ __Reading__

School staff members reported that 40 percent or 12,794 third-grade students throughout the county scored below grade

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239. The Emergency School Aid Act (ESAA) 20 U.S.C. § 1601 _et_ _seq_. (Supp. IV 1974), established by Congress in 1972 provides financial assistance "to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools, to encourage the voluntary elimination, reduction or prevention of minority group isolation in elementary and secondary schools with substantial proportions of minority group students, and to aid school children in overcoming the educational disadvantages of minority group isolation." 20 U.S.C. § 1601(G) (Supp. IV 1974)."

level in reading tests given in the 1970-71 school year.[240] As a result, a Right-to-Read program was started in July 1971. This program divided the county into three areas, provided a reading supervisor and staff of reading teachers for each area, and required county-developed evaluations and checklists to assure systematic development of skills.

If the ESAA funding were approved, the Right-to-Read program was to be expanded to assign a "floating faculty" to 20 elementary schools. An expanded tutoring service was also planned for 20 junior high schools, which would involve 1,620 students as tutors for 4,860 children. The Iowa Test of Basic Skills was to be given as a pretest in May 1973 and again as a post-test in May 1974.[241] Summer workshops were planned for elementary and secondary school reading teachers in 1973.

__Pupil Service Support__

A total of 730 senior high school students over 16 years of age withdrew from the regular school program from August 1972 to December 1972, according to school staff members. After December 1, 1972, 729 transfer requests were submitted.[242]

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[240] Data from the Iowa Test of Basic Skills given to seventh and eighth grade students in 1969-70 and 1970-71 indicated that 42 percent of the students performed markedly below grade level in reading.

[241] Students tested in May 1973 showed achievement gains.

[242] Transfer-request statistics by race were not available, although staff members noted that most applicants were white. A moratorium on all student transfers was instituted from Dec. 1, 1972 to by Mar. 1, 1973. When the moratorium took effect, all (cont.)

A dropout-prevention program was, therefore, proposed. A dropout specialist would work with a team of paraprofessionals at the junior and senior high school levels, discussing problems with the pupils who were dropping out. Immediate counseling services would also be available to those contemplating leaving school.

A transfer-investigating team was also proposed. One professional and two paraprofessionals would attempt to determine if requested transfers were legitimate or made to avoid desegregation.[243]

Peer counseling was also to play a part in this program. Six students at each high school would counsel students on dropping out, transferring, or any other matters of concern. "Rap rooms" would be designated for this purpose, and a summer workshop would be held for the student counselors.[244]

Finally, conflict resolution teams of eight adults each would be available to go to a school having serious problems

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(242 cont.)
student transfers granted in September 1972 were reviewed. The board's attorney reviewed "marginal" transfer applications (those where the applicants appeared to be seeking transfer to avoid desegregation) with school staff. Where transfers are denied, an appeal process is available. Staff reported that the superintendent received six or seven such appeals during the 1972-73 school year.

243. This component of the proposal was turned down by ESAA officials.

244. Funding for this particular project was delayed but eventually approved.

stemming from desegregation and could remain there until the situation was resolved.[245]

Identification of Gifted Students from Minority Groups

Admitting that "practically no efforts" had been made to identify the "large" numbers of gifted minority children in the district, school staff saw a need to devise new techniques to find them. They emphasized training teachers to identify the characteristics of the gifted child, particularly at elementary schools with large black enrollments. Specially-trained personnel were to be assigned to work with teachers in 15 elementary schools in identifying gifted children and establishing special programs for them.[246]

Staff Development

Noting that minority enrollments in 161 elementary schools had increased from 0.2 to 61.8 percent, with 11 schools changing more than 50 percent, staff members declared in the application that some faculties were so "burdened with stereotype concepts in regard to those [minority] children as to render them impotent to deal with them in a productive way." Those schools needed intensive, short-term aid to help their faculties "help themselves and prevent potentially serious situations from developing." Some 22 elementary schools with black or white

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245. The proposed teams were approved but with four, not eight, members.

246. This segment of the application was not approved by HEW and a small county program was substituted.

enrollment increases of more than 25 percent would be assigned special teams for several weeks. The teams would work with faculty members reviewing teaching methods; conducting extensive inservice programs designed to change "biased and stereotyped attitudes"; developing working relationships between parents, children, and teachers; and, generally, creating a positive atmosphere in the classroom to motivate the children and encourage them to develop their talents to their fullest potential.[247]

Student and Community Services

Finally, a special effort would be made to "insure the incorporation of minority groups in a meaningful way" into the total programs of the schools. This was to be done through conferences of students that would help develop leadership potential.

A coordinator of student concerns and three additional professionals were to join the existing coordinator to oversee the development of student organizations and to incorporate minority groups into the social life and activities' program at each school. This team would also seek to improve and refine student communication channels. Parental involvement in school

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247. The core of this component was deleted with the granting of only $20,000 of the $155,000 requested for it. A number of 2-day workshops for 480 counselors and teachers was, however, conducted.

affairs would also be sought through meetings, workshops, and personal contacts.[248]

The U.S. Office of Education eventually approved $1,019,471 for the district's proposals, some of which were shaved or cut altogether. An administrator for the district's Federal program office regretted that the full sum applied for was not granted and thought that some aspects of the program, particularly the floating faculty in the remedial reading component, were very useful and well-received. He found considerable teacher resistance to human relations training of the kind visualized in the staff development component, as well as some dissatisfaction with the conflict resolution team program. The latter was troubled by conflicts between team members and staff over the authority of each on the matters the teams were assigned to handle.

As the ESAA application was being prepared, staff members were also busily refining last-minute plans for the mid-year changeover. The shifting of records, including case summaries of student transfers who had special educational, emotional, or social needs, was completed. An intensive program to train new bus drivers concluded with 80 new drivers trained and licensed. Some 200 consultants and advisers from all over the county offered their services, some free of charge, in such areas as language problems and individualized instruction.

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[248] The additional student-concerns coordinator and two of the three additional professional positions requested were not funded. The proposed student conferences provided the essence of this component.

As January 29 approached, most county leaders called for peaceful compliance with the court order. It was not clear whether any large-scale boycotts would occur on the opening day.

Approximately 66 radio-equipped maintenance vehicles were to be scattered throughout the county to watch schoolbuses as they passed major intersections. The 650-man county police force was to be put on two 12-hour shifts, doubling the number of police officers on duty. The school system's own security force was to have primary responsibility for safety in the schools, with 12 extra guards assigned to specific schools. The police were positioned to respond quickly but were not assigned directly to any school.

Each bus was to carry a sign giving the name of the school it was going to. Elementary school principals gave all the students tags bearing their names and the schools to which they were assigned. Transferred children who were brought to their former school would not be permitted to enroll.

Everything was in place for the total desegregation of the public schools for the first time in the history of the 9th largest school district in the country.

SUMMARY

The period from August 31, 1972, through January 29, 1973, was climactic for the school district. The Federal district court rejected the board of education's arguments and ordered complete desegregation, and the Fourth Circuit Court of Appeals and the Supreme Court upheld that order. The community became polarized between pro- and antidesegregation groups, with the board of education resisting to the end. At one point, major disruptions, possibly violent, appeared to be in the offing among students. Meanwhile, the school staff worked out detailed preparations for desegregation, which had clearly become inevitable.

The Board of Education

The legal strategy of the board's majority that unfolded during the last half of 1972 was consistent with its record on school desegregation in previous years, both in responding to black insistence on change and then HEW's demands: resist and delay for time. In the summer of 1972, the board warned of serious social and educational problems if desegregation were not delayed beyond September 1972. It was late in submitting some court-requested materials, and the basic material it did submit was incomplete and "sloppy," according to the court. As late as December 1972, the board again called for further delay in desegregation on the grounds of the "deleterious" effects on education a mid-year change would create. "Lack of time" was the repeated refrain of the board as it resisted further desegregation.

The Courts

The Federal district court showed enormous patience with the board and constantly urged flexibility, common sense, and minimal busing in the preparation of a plan. It first approved the board's request for delay in senior high school desegregation from September 1972 to September 1973 and postponed desegregation of the other grades until January 1973. It postponed at least one deadline (from November 21 to December 1) for the receipt of requested material from the board, and it refused to cite the board for contempt, as urged by plaintiffs. It also repeatedly refused to impose a plan or any racial "balance" scheme on the school district.

The district court's position was upheld by a unanimous vote of the court of appeals, which rejected the board's claim that "changing neighborhood patterns, not deliberate official policy" were responsible for existing segregation. Finally, the Supreme Court refused to approve any delay in plan implementation. The board's defense was found unacceptable at every level of the Nation's judicial system.

The Community

No leadership was exerted by top county or State officials (except for several board of education members) in behalf of compliance with the district court's August 31 order. In this vacuum, the community became divided between those for and those against desegregation and tension increased until mid-December 1972, when major disruptions threatened to erupt at some schools. Stepping back from the brink, however, county residents appeared resigned to mid-year desegregation. No major interference with desegregation arrangements developed, and many parents were dedicated to and contributed to efficient and peaceful implementation of the plan.

The School Staff

Starting late and floundering for lack of clear direction from a deadlocked board of education, school staff members, nonetheless, worked out the details of a desegregation plan and the means for implementing it. Workshops were organized for faculty and staff; open house was held at the schools; student records were transferred; and anticipated problems were reviewed. They also drew up an application for Federal aid to assist in desegregation. Despite the absence of support and guidance from the board, the staff's day-and-night efforts were successful, and the district was administratively prepared for the schools to open under the new plan on January 29, 1973.

The Plan

As the implementation date drew near, the board conceded that the approved desegregation plan was "educationally sound," although it argued for a September 1973 implementation. Graduating seniors were not included in the plan. Considerable desegregation was achieved by simply changing school attendance boundaries, and busing only increased from 48.4 to 56.1 percent of enrollment. The average school opening and closing hours remained the same, as did the length and time of the average bus ride. Total school desegregation costs for fiscal year 1973 amounted to only 0.7 percent of the district's huge school budget. The desegregation plan finally implemented in Prince George's County after long-drawn conflict involved neither "racial balance" nor "massive busing."

Chapter 5

ACTION AND REACTION

The background was ominous. Local and State politicians and the district's Congressman warned that anarchy and chaos would rule in the schools during the first semester of court-ordered desgregation.[1] Some central staff personnel and educators declared in sworn affidavits that students would inevitably suffer "deleterious"[2] effects from the mid-year changeover. The central office and school staff had been planning feverishly. Against this backdrop, the Prince George's County public schools opened for the second semester on January 29, 1973. Some 737 buses set forth carrying 90,397 students.[3]

The consensus of those interviewed by Commission staff was that the smoothness of opening day surpassed all expectations.[4] School officials said that the problems encountered on the first day of desegregation were typical of the operational snags experienced on the first day of a school year. Some children missed their bus. One bus failed to pick up a group of some 50 black children, and another had to be dispatched. Some parents refused to follow the transfer instructions sent to them and vainly attempted to enroll their children in their old school. Student records in several instances were misfiled or missing, and scheduling problems were encountered; a number of transferred secondary students complained that they had been assigned to the wrong classes, and one teacher was scheduled to teach 11 classes in seven periods.

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[1] Application to Stay by Defendants, Jan. 9, 1973, p. 21, Vaughns.

[2] See Affidavits of William I. Chotiner, Principal, High Point High School, Nov. 29, 1972, at 5, Vaughns; Edward J. Feeney, Administrative Assistant to the Superintendent of Schools, Dec. 19, 1972, at 4, Vaughns; George H. Robinson, Assistant Superintendent of Education for Administration, Dec. 19, 1972, at 1, Vaughns; Robert L. Gough, Principal, Suitland Senior High School, Nov. 29, 1972, at 2, Vaughns; Kathleen Grace Amershek, Associate Professor of Elementary Education, University of Maryland, Dec. 19, 1972, at 2, Vaughns; Marilyn J. Church, Assistant Professor of Early Childhood Education, University of Maryland, Dec. 19, 1972, at 2-3, Vaughns.

[3] 355 F. Supp. 1038, 1041 (D. Md. 1972). The total number of 737 buses included 241 buses that were used for special educational, athletic, spare, and emergency purposes. Id. This left 496 buses that actually transported the 90,397 students to their schools. Prince George's County PGC Information Center, "Desegregation Plan," p. 3, December 1972.

Despite the administrative problems and the logistical foulups, most people, in the words of one school administrator, were "calm, cheerful, cooperative, and above all else, peaceful." Not a single school was disrupted by violence on the part of students or parents. Only one school, an elementary school in the south-central part of the county, was picketed. While the 83-percent attendance rate was slightly lower than normal,[5] school officials were uncertain as to whether absences were attributable to the 1-day "Day of Mourning" boycott sponsored by Citizens for Community Schools or to general parental apprehension. A number of students, both black and white, told Commission staff that their parents kept them home the first day of desegregation because of the rumors of violence that had circulated in their communities.

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[4] Unless otherwise indicated all quotations or facts noted were obtained in staff interviews during the pendency of the study, primarily in the period June-September 1973.

[5] Philip A. McCombs, "Prince George's Desegregation of Schools, Peaceful, Smooth," Washington Post, Jan. 30, 1973, p. 1.

Although the student turnout on the first day of desegregation was somewhat lower than normal, most schools were crowded--crowded with adults. Many parents brought their children to school. Other parents served as chaperones on buses, worked on greeting committees at schools receiving reassigned students, or acted as observers. Central office supervisory and support staff were deployed to individual facilities, and some 40 specially-trained county clergymen acted as "impartial observers" in potentially troublesome schools. Local and national newspaper, radio, and television reporters followed buses, examined individual schools, and interviewed countless students, parents, and staff. One school administrator said that the presence of television film crews and so many adults created an atmosphere that was "almost festive." He continued, "The kids loved the excitement even though they didn't quite understand what all the commotion was about."

Virtually all school personnel agreed that the children were more relaxed than the adults on the first day of desegregation. One principal reported how an eager newsman corralled a youngster as he was getting off the bus at his new school on the morning of the 29th. "How do you like 'x' school?" the newsman asked. "I don't know yet," the student replied; "I haven't been in it yet." Children watching the interview giggled, the film crew laughed, and, according to the principal, "the child's simple honesty relieved tension and put everything back into perspective."

At mid-week an area newspaper[6] reported that kindergarten classes in a number of schools were segregated in apparent violation of the court order. The school administration investigated and found that due to a "misunderstanding" some principals had placed all transferred kindergarten students in either the morning or afternoon class and all remaining kindergarteners in the other half-day class.[7] The superintendent, working with the board of education's attorney, moved immediately to desegregate these classes.[8] Meanwhile, transportation staff continued to iron out wrinkles in bus routes and schedules, and principals and teachers worked together to adjust student schedules and solve individual problems. Many of the supervisory and support personnel who had been assigned to individual schools returned to their duties at the administration's central offices, and the number of parent observers and visitors in the schools gradually declined.

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[6] Charles A. Krause, "Kindergarten Classes are Resegregated," Washington Post, Feb. 1, 1973, p. 1.

[7] Charles A. Krause, "Prince George's Says 60 Kindergartens Still Segregated," Washington Post, p. A1.

[8] See Paul M. Nussbaum, Attorney, PGC Board of Education, letter to Richard V. Falcon, Attorney for Plaintiffs, regarding Vaughns v. Board of Education of Prince George's County (Kindergartens), Feb. 5, 1973, and Paul M. Nussbaum, letter to Carl W. Hassel, PGC Superintendent of Schools, regarding Kindergartens in Prince George's County, Feb. 5, 1973.

Following the first week of desegregation, school officials released preliminary statistics that indicated that the white student enrollment was lower than projected in some schools that formerly were predominantly black. At the same time, the Riverside Baptist School, a predominantly white, parochial school in the county, announced that it had purchased a new school building to house an additional 800 students.[9] Several other private and parochial schools in the metropolitan area also reported a surge in applications.[10] While these reports clearly indicated that some county parents preferred to send their children to a private school rather than to a desegregated public facility, school officials remained optimistic that the number of white student withdrawals would not be great.

Although the Citizens Information Center received a number of calls reporting rumors of racial violence during the first week of desegregation, the rumors proved unfounded. Teachers and students agreed that discipline was tighter than normal, and suspensions increased. Several false fire alarms were reported at one senior high school, a bomb threat was received at an elementary school, and the principal of one school was warned that his car would be blown up. Despite these and similar threats and annoyances, district schools remained peaceful, although some were reportedly "tense."

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[9] Philip A. McCombs, "Mixing Goal Not Reached," Washington Post, Feb. 3,1973, sec. B., p. 1.

[10] Ibid., sec. B., p. 4, col.8.

STUDENTS COMMENDED

Moved by the serenity of the desegregation process, the superintendent wrote the following letter to all students on February 2, 1973:

> Dear Students,
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> ...I can honestly use the words "quiet and serene" when I refer to the end of desegregation's first week, because of the commitment, loyalty and support of the great majority of those who are in one way or another part of the public schools of Prince George's County...you, our students, as well as the teachers, non-teaching staff, parents, volunteers, public officials, and the general citizenry in the County. Many, perhaps even the majority, did not and perhaps do not agree with the court order, but when it became apparent that we would move forward, they.... and you...put their shoulders to the wheel and moved forward we did.
>
> The quiet, businesslike way most of you got back to your classwork is a clear indication that you believe that education is important, and that your education is too important to lose.
>
> It would be impossible for me to express my thanks, as Superintendent, to all those who helped...and this is because I would surely miss someone; but I do want you to know how grateful I am. In the lonely hours immediately preceding the 29th move, the knowledge of your support, guidance and prayers gave me confidence in facing the difficult days ahead. Your support and commitment, under adverse circumstances, has created a climate of comradeship, cooperation and caring, perhaps never before experienced by our

> students, and the entire school family. There will be problems, no doubt, in the weeks to come, but as we move forward may this spirit of your comradeship be nurtured, and may it develop so that each of you, our students, become the beneficiaries of the commitment we all direct express....[11]

In the same spirit, the Prince George's County Human Relations Commission, on February 26, 1973, commended students, teachers, and nonteaching staff of the county's public schools for their performance during the reassignment period. The praise was expressed in resolutions addressed separately to the students and to the staff but pointedly not to the board of education.

Despite general relief that the changeover had been achieved without major upheaval, some segments of the community remained preoccupied with student conflict and disruption. The Citizens for Community Schools (CCS), as well as some teachers and nonmember parents, shifted its attention from busing and desegregation to student conduct, and the toughness of the system's disciplinary policies became a key point of debate among candidates during the 1973 school board race.

REPORTED CONFLICTS

At the end of the first week of desegregation, a representative of the CCS charged that incidents of racial conflict and physical assaults were widespread in county schools.

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11. "A Letter from the Superintendent," Regional Rap (published under auspices of PGC Office of Student Concerns), vol. 3, no. 4 (February 1973), p. 1.

The charge, according to this person, was based on unconfirmed reports telephoned to CCS that it was "investigating where possible." Shortly thereafter, the superintendent's office issued a memorandum to principals directing them to report every act of violence in filling out the routine monthly reports on student assaults. Despite the administration's directive, CCS, nevertheless, maintained that the school administration was covering up violent incidents and on February 13 asked the board of education for permission to send CCS members into the schools as observers. The request was refused by the board because, as one member put it, "We didn't really want people standing with hands on their hips looking for fights."

STUDENT TENSIONS, CONDUCT, AND DISCIPLINE

The school system's statistics on student assaults during February, the first full month of desgregation, seemed to offer some support to CCS's contention of increased student conflict. During February, an average of 5.2 assaults was reported each school day for the entire system as opposed to an average of 1.8 assaults per day during the period of September through December. The statistics for March showed another apparent increase, with an average of 9.3 student assaults reported per school day for the system. Following the March high, reported student assaults declined to 5.6 and 3.8 per day in April and May, respectively.

After school closed in June, the central administration issued a press release that strongly discounted the scope of the student assault problem experienced during the semester.[12] In the press release, the chief of the school district's security office stated his belief that principals may have "overreacted" to the superintendent's February reporting directive.[13] In their efforts to comply with Dr. Hassel's directive," he said, "some principals listed incidents between students that simply may have resulted from normal aggressive behavior."[14]

In interviews with Commission staff, numerous local school administrators supported the security chief's analysis and amplified on the problem of "overreporting." A junior high school principal who conceded that he had had a very trying semester said that "parents were awfully sensitive about every little thing; normal fights were 'traumatic' events, and horseplay on the buses became 'racial violence.'" Another principal told Commission staff:

> I am sure that many principals reported any incident, no matter how minor. I know I did; I couldn't afford not to. I hated to have my school look bad because it really wasn't, but I didn't want some irate parent going down to the board and saying I was covering up violence.

Whatever their degree of exaggeration, the student assault statistics were absolutely accurate in one regard--in indicating that March 1973 was the most difficult month in terms of student conflict during the first semester of desegregation.

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[12] PGC Public Schools, "School Assault Rate Declines," news release, June 20, 1973.

[13] Ibid.

[14] Ibid.

On Friday, March 9, conflict erupted at a junior high school located in a white community that had manifested extreme hostility towards desegregation. According to the principal, a group of black students going home at the end of the day was attacked without provocation by some white nonstudents. The following Monday, a group of black girls, who were trying to determine the identity of the student allies of Friday's nonstudent attackers, assaulted three white girls. At this point, according to the principal, "the rumor mill went wild" and approximately 200 white students were taken out of school by their parents. Groups of black and white parents came to the school and demanded to know what was going to be done to ensure the safety of their children. The principal scheduled a parents' meeting for Thursday night.

On Wednesday, March 14, the day before the scheduled parents' meeting, two white girls stoned a busload of black students as the bus was leaving the school driveway. The driver stopped the bus and unloaded the children. Police who had been called to the scene arrested the two white girls and their nonstudent boyfriends, charging them with inciting to riot. Police also arrested two black students, one for assaulting a white student and the other for breaking police lines.

The school remained open despite intervention by the PTA president, a board of education member, and several parents. On Thursday, March 15, about 45 percent of the student body was absent, and that evening some 500 parents appeared for the safety planning meeting. The next day absenteeism dropped to 20 percent, and no further serious incidents troubled the school during the semester. An aide to the superintendent later asserted that the disturbances at the school were "greatly exaggerated and out of focus."

A second student disruption also occurred in March at another formerly-white junior high school. According to school authorities, about 10 students were involved in an interracial clash of uncertain origin. Police were summoned and quickly restored order. As with the earlier disturbance at the other junior high school, no one was seriously injured and the school remained open. Nevertheless, upon hearing of the incident, many white parents temporarily withdrew their children from classes. One white student later noted that some of her friends had called their parents more from the desire to have a day off from school than from fear for their personal safety.

School officials stressed to Commission staff that the two junior high school incidents in March were the only disruptions reported during the semester that involved groups of blacks and whites and for which police were called. In this regard, they said, the first semester of desegregation was "serene" compared to some previous semesters. Between 1968 and the beginning of full-scale desegregation on January 29, 1973, a number of secondary schools had experienced occasional instances of student conflict. Several administrators cited a "particularly serious"

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disturbance at one senior high school in the spring of 1972, which involved several hundred students, required the intervention of county police who used tear gas and made mass arrests, and resulted in temporary cancellation of classes.

DISCIPLINARY MEASURES

Despite the fact that the Prince George's County public schools had experienced larger and more serious student disruptions in previous semesters, the junior high incidents in March fueled the controversy over discipline and violence in desegregated schools. In March 1973, a Prince George's County grand jury released a report based on an investigation it had undertaken of the school system.[15] The report began with the observation that "there has been a noticeable decline and relaxation of discipline in our schools" and that "this decline has led to an increase of incidents (often violent) and usually disruptive in nature."[16] The report alleged that "a minority of students (5-8 percent) in the county school system are causing the majority of the incidents reported" and that "principals and vice-- principals are spending 50-95 percent of their time patrolling halls and checking lavatories."[17] The grand jury

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15. PGC Grand Jury, "Investigation into Prince George's County School System," Mar. 31, 1973.

16. Ibid.

17. Ibid.

recommended, among other things, that:

> The 5-8% of the students that consistently cause the serious discipline problems should be placed in specialized schools within the county.[18] ...the position of one vice-principal in each school be deleted and that the funding for this position be used to provide for two security counselor type personnel to be located in that school.
>
> The school security department should be significantly expanded to deal with the increasing problems of crime and vandalism in county schools.
>
> Specific schools should be devoted entirely to vocational training.

Following release of the grand jury report, the president of the board of education invited members of the jury to attend an April 3 meeting of the board to discuss the report. In the remaining months of the semester, board members introduced and debated various resolutions dealing with discipline and the recommended establishment of special disruptive schools but never voted to set up the separate schools.

Although the superintendent did not publicly attack the grand jury's report at the time of its release, he later told Commission staff that many of its conclusions, based on only 40 interviews, were "fallacious." Other staff members characterized the report as "strident" and "unbalanced."

Despite its limitations, the grand jury's report was seized upon by advocates of stricter discipline as "proving" that the schools were violent and chaotic. These citizens renewed their charges that school administrators covered up conflict and repeated their demands that schools kick out "troublemakers."

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[18] Ibid.

On April 13, 1973, Superintendent Hassel sent to all principals a memorandum on student expulsion.[19] It said:

> I wish to call to your attention that there are ample provisions under the laws of the State of Maryland...to rid the public schools of Prince George's County of disruptive students who may be at the root of most of the serious misbehavior in the schools.
>
> Accordingly, you are under an absolute duty to recommend to the Superintendent of Schools any student or students that you have reason to believe should be subject to permanent expulsion from the public schools....
>
> I shall not tolerate as an excuse that principals are powerless to proceed against such students who are responsible for assaults, shakedowns, or any other similar activity that destroys the educational process in a school.
>
> I am further directing that any student who assaults a teacher or member of the staff of any school is hereby automatically suspended by the Superintendent of Schools for the remainder of the 1972-73 school year....

The superintendent directed that, in addition to principals, copies of the memorandum be sent to members of the board of education, the central staff, and the news media.[20]

Rise In Suspensions

The increased attention focused on discipline after January

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[19] Carl W. Hassel, PGC Superintendent of Schools, Memorandum No. 181 to Principals Regarding Student Expulsion, Apr. 13, 1973.

[20] Ibid.

29 contributed to a dramatic rise in the number of student suspensions.[21] Figures compiled in June by school officials covering the period September-April showed that during the 3 months of February-April, alone, there were 5,128 suspensions, compared to 5,357 suspensions for the entire 5-month period from September-January.

The sharpest increase was shown for "extended suspensions," which are more severe than the under-5-day suspensions also meted out by school authorities.[22] In the 3 months of February, March, and April, there were 526 such extended suspensions, compared to only 443 during the longer September-January period. While more than half of all suspensions were of students in the three junior high school grades both before and after desegregation, elementary students had the greatest proportionate increase in suspensions after desegregation.[23]

Not only did student suspensions increase following desegregation, but they also became more racially disproportionate. In the September-January period, black students received 40.4 percent of all suspensions.[24] This figure was far higher than the proportion of black students in the total school enrollment. In the postdesegregation months of Feburary-April, student suspensions became even more racially lopsided, with blacks receiving 45.8 percent of all suspensions.[25]

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[21] Suspension data from December 1972-May 1973 monthly "Suspension Summary" memoranda prepared by Marian E. Lobdell, Supervisor of Pupil Personnel, PGC Public Schools and also "Addendum to Oral Report of Pupil Personnel and School Visitors to the Board of Education," June 28, 1973. (Hereafter cited as "Suspension Summary.")

[22] Addendum to Oral Report of Pupil Personnel and School Visitors to the Board of Education, June 28, 1973, p. 5.

[23] "Suspension Summary," March, April, June 1973.

While there were changes in the number of suspensions and the distribution by grade level and race after desegregation, the reasons for student suspensions remained fairly constant throughout the 1972-73 school year. Of the 11 standardized reasons for suspension,[26] "cutting class, truancy, tardiness, leaving school building without permission, failure to attend detention" ranked number one in the pre- and post-desegregation periods, accounting for well over a third of all student suspensions. In March and April the relative ranking of the second and third most prominent reasons for suspensions of under 5 days reversed from what it had been in the period of September-January and the month of February, with "disrespect to authority, use of profane language, refusal to obey school regulations" outstripping "fighting with students or staff." Both before and after desegregation, "smoking" was the fourth most common reason for the issuance of suspensions of under 5 days.[27]

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[24] "Suspension Summary," September 1972-February 1973.

[25] "Suspension Summary," March-May 1973.

[26] These reasons are: (1) Constant class disruption; (2) cutting class, truancy, tardiness, leaving school building without permission, failure to attend detention; (3) disrespect to authority, use of profane language, refusal to obey school regulations; (4) destruction of school property; (5) extortion, gambling, stealing; (6) fighting with students or staff; (7) lighting fires or use of fireworks; (8) smoking; (9) use of alcohol; (10) use of drugs; (11) miscellaneous misconduct.

Both before and after desegregation, student suspensions were unevenly distributed among the Prince George's County schools, reflecting differences in individual school discipline codes and administrator attitudes. The principal of one school with an abnormally high rate of student suspensions explained that the main reason he exercised his suspension authority was to "alarm the parents to the point where they will come in and cooperate with us in solving their child's behavior problems." In many cases," he continued, "suspensions are lifted the same day they are issued if a parent promptly contacts us." Another principal who had not suspended any students offered a different view.

> I am reluctant to call parents and tell them their children are creating problems. There isn't much the parents can do; they don't know what to do.
>
> I feel that when a child misbehaves in school, it is usually because of something wrong here and has no relationship to his life at home.

The principal continued by saying that she believed many students get into serious trouble when they are suspended because both parents may have to work and no one is available to supervise the student during the time that he or she is out of school.

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27. "Suspension Summary," Mar. 15, 1973.

While the higher rate of student suspensions after January 29 gave solace to some parents who felt the school system was "soft on troublemakers," it alarmed others. A number of parents told Commission staff that some school personnel "shirked their professional responsibilities" by suspending students rather than trying to help them. The superintendent of schools lent support to this view by noting that "student suspensions were especially heavy in schools where there were diminished efforts on the part of the schools to involve students."

Several parents were especially troubled by the disproportionate number of suspensions meted out to black students. One black parent and county civic leader told Commission staff:

> I've read how black students have been "pushed-out" of schools in the South after desegregation and am afraid the same thing may be happening here.• There are still people in the county--including school people--who believe in racial segregation, and I am sure that some of these people see suspension and expulsion as a way to get around the court order. If the situation doesn't change, legal action may be necessary; the constitutional right of all students to an equal education must be protected.

A white administrator with long experience in the school system, particularly in pupil personnel work, conceded that the racial attitudes of some school personnel had a bearing on the high number of black student suspensions. "I personally would expect that the suspension rate for whites and blacks would conform generally to the racial distribution of students in the system. If proportionately greater numbers of blacks are suspended than whites, I think we have a problem of discrimination," he concluded.

The fact that the superintendent of schools could report that county schools closed after the first semester of desegregation "more positively and peacefully than at any time in the last 5 years" did not resolve the controversy over school discipline or the effect of desegregation on student conduct. A board of education member who had opposed the court-ordered desegregation plan summed up what seemed to be the predominate attitude of school officials and personnel who were interviewed by Commission staff about disciplinary problems. She said that the disciplinary situation had long concerned her. Desegregation had "magnified the problem somewhat." Some principals, particularly in the junior high schools, did spend too much time on discipline, but this was not a districtwide problem involving all or even most of the schools. Nonetheless, she said, the public has "made up its mind" that discipline is a "great problem" in the schools. "In the future," another board member said, "we will have to devote even more energy to improving both the actual state of discipline and public sentiment about it.... Both of these problems are related and yet distinct; both must be solved if public education is to survive; and only we can solve them."

While most students, parents, teachers, and school officials interviewed by Commission staff did not believe that desegregation was the cause of most student misbehavior, many, nevertheless, cited specific ways in which the court-ordered transfer tended to expose or heighten the problem of discipline in county schools. The explanations they offered dealt with both racial and nonracial matters and concerned the most basic human emotions as well as the complex dynamics of social systems.

A large number of school personnel cited community hostility towards desegregation as a major factor contributing to the apparent increase in student misconduct after January 29. As the white vice principal of one senior high school said: "Generally speaking, youngsters reflect the attitudes and opinions of their parents. In this case, parental resentment over desegregation fed student apathy and indifference and encouraged student disrespect of authority.

Many teachers and administrators cited increased "class-cutting" and "truancy" as one of the primary problems generated by parental opposition to the transfer plan. They explained that many students, especially white students, rationalized nonattendance in terms of their parents' proclamations that they would not learn anything in their new schools or that it was merely an "extension of the school boycott" their parents had supported at the beginning of the semester. According to some of those interviewed, the problem was compounded by the fact that, when school authorities contacted parents and they, in turn, confronted their children, many students "concocted horror stories" to explain their unauthorized absences and to escape punishment. In such cases, they said, some of the parents viewed the rule infraction as validating their opposition to desegregation and "blamed the school rather than investigating to learn the truth of the matter."

School personnel related instances of open disrespect for authority that they also attributed to parental antidesegregation attitudes. Although the problem of disrespect for authority was less prevalent than class-cutting and truancy, it was more "frustrating and irritating," according to several teachers. A white librarian at a formerly black elementary school stated that some of the children transferred into the school were "kind of 'smart-mouthed' when they arrived and would say things like 'you can't make me do it' or 'I don't have to do that.'" When she questioned them as to why they should not have to do the things expected of all students, they usually responded that their parents had "told them so." The librarian said she received good cooperation from most of the parents when apprised of their child's misconduct but added that there were "a few diehards who refused to believe that their Johnny or Susie could do anything wrong." In these cases, she concluded, "the child's behavior usually got worse or his parents transferred him to a private school."

Some teachers and administrators cited parental racial prejudice as a major cause of student "tension and unrest," especially in the first weeks of desegregation. The most common manifestation of racial prejudice, according to those interviewed, was racial "name-calling" by white students. Most black students reportedly "kept their cool" and responded to such insults by retaliating in kind or more often by withdrawing from contact with white students. Several teachers also cited less-overt manifestations of racial prejudice-- "the vaunted air of superiority affected by some white students" and"the pseudo-courtesy displayed by some black students"--as a persistent source of tension throughout the semester in a few schools.

Most of the teachers who discussed manifestations of student racial prejudice with Commission staff indicated their belief that a majority of the children did not fully understand either the import or the reasons behind their discriminatory conduct. A white elementary school vice principal illustrated the "unthinking" character of student prejudice by relating the following incident that occurred in her school:

> At the end of the semester before implementation of the transfer plan, when the antidesegregation furor was at its peak, one of our white kindergarten students told her class that if any black students were brought into the school then she was moving out. The girl's teacher, who was black, said she was so stunned she didn't know how to respond at first. Later she took the little girl aside, explained that she was black, and asked if the girl disliked her too. The little girl responded that she loved her teacher, paused and then asked, "What does black mean?

Aside from the racial tension it generated in the first weeks of desegregation, parental prejudice, according to some of those interviewed, tended to confuse some students and to complicate the teacher's role. A white junior high school librarian told Commission staff:

> The difficulty for teachers here is illustrated by the example of one white girl who asked: "What do I do?

> You say one thing and my parents say another." This conflict over racial attitudes is extremely confusing to some white students.

Nevertheless, there seemed to be a consensus among school staff members that their students had adjusted to attending school with students of another race both quickly and well. One teacher noted that "because the children were not really prejudiced themselves, it didn't take them long to adjust to desegregation." Said the principal of a senior high school that was overwhelmingly white before implementation of the desegregation plan, "Racial tension subsided after 2 weeks or so when blacks and whites realized that 'neither were devils or had horns.' Racial hostility is a problem of white parents mainly; not students of either race."

A large number of those interviewed said the adjustment to new schools necessitated by the transfer of students under the desegregation plan tended to complicate discipline. As one school board member summed it up: "Whenever you shift that many children, you are bound to have some problems." School staff members emphasized three major problems inherent in the transfer and adjustment process.

The first problem concerned the fact that some students, especially on the secondary level, found it difficult to transfer their loyalties from their old school to their new school. Many of those who referred to this problem stressed the "psychological comfort which old friends and a familiar environment provide." Others stated that the adjustment process was more painful than it necessarily had to be for many students because of fears spawned by community hostility towards desegregation. "For many students," said one administrator, "the problem was not so much fear of the unexpected as fear of what they had been told to expect." "Kids, both black and white," he continued, "were conditioned by their parents and the press to expect hostility and violence." While a number of people referred to the "walking on eggs syndrome," most of those interviewed said that the vast majority of students lost their anxieties quite soon after the transfer.

According to the superintendent, the "natural jockeying of students for positions in their new schools" was a second adjustment factor that complicated discipline. The superintendent and many of those interviewed generally viewed the rivalry for attention, power, and prestige as a positive and hopeful sign that students were beginning to settle in and desired to be a part of their new schools. While the central office's guidelines assuring all transferred students that they could retain their elected offices and could continue their participation in extra-curricular activities minimized formal competition, they did not alleviate competition for informal status. According to some administrators, the most serious problems experienced as students jockeyed for positions in the new schools occurred when adults attempted to intervene or direct the students. A high school vice principal noted that, in setting up the "new pecking order," students "played little games with each other, testing and probing each others' reactions." "Some teachers," he continued, "misunderstood what was going on; saw it as a racial thing; and interfered." "This accomplished nothing," he concluded, "since the ultimate question of relative status was still left hanging or was arbitrarily resolved by an adult."

A third adjustment problem concerned the fact that the standards of discipline in individual schools varied widely throughout the county. The absence of a single, systemwide code of discipline caused the greatest adjustment problems for students who transferred from a relatively lenient school to a strict school. For these students the problem of adjusting was occasionally compounded by the fact that some schools reportedly failed to orient their new students adequately. As a result, some students learned the new rules "the hard way," by getting into trouble for doing things they had been allowed to do in their old school. One administrator characterized this "learning experience" as particularly bitter and noted that some students were undoubtedly "turned off" from their new schools by it.

In addition to the problems caused by community and parental attitudes and the difficulties inherent in the adjustment process, a number of school officials cited the attitudes and actions of staff members at certain schools as a major factor contributing to disciplinary troubles after desegregation. They reported problems that ranged from "insensitivity" to "outright racism" on the part of individual teachers and administrators and noted "systemic defects" that amplified racial tension and student misconduct.

A frequently-cited problem concerned the fact that staff at some schools did little to prepare for the transfer or to make the incoming students feel at home. One elementary school principal, for example, reported that the schools that were paired with her school "did not prepare for the transfer; they waited until the last minute and then transferred a few books." The effect of the staff's lack of preparation, according to the principal, was illustrated by the comment of a second grader transferred to one of these schools: "My new school is all right, but I just ain't nobody."

Insufficient preparation for the transfer and inadequate efforts to become acquainted with newly-enrolled students, according to those interviewed, contributed to discipline problems during the first semester of desegregation. A white junior high school librarian explained:

> One of the biggest problems at this school is maintaining discipline and control. You can understand why when you realize that some of the teachers do not know the children by name. In 4 months, they have not even learned the names of the children.

Other school personnel told Commission staff about what they viewed as a similar but more serious problem--the tendency of some teachers and administrators to draw distinctions between transferred and remaining students in the conduct of school affairs. One white elementary school principal said that he assiduously avoided use of the term "new children," since "in itself it creates problems" by setting children apart and implying a greater acceptance of some or a rejection of others. A black teacher at another elementary school stated:

> The black children do not feel wanted at this school. Teachers and the principal still refer to black children as [name of sending school] children or "bused" children while they refer to the white students as "our" children.

Perceived inconsistency in the enforcement of discipline was cited by many as a dominant cause of racial tension and student misconduct in a number of schools. Although a majority of students told Commission staff that all students were treated "pretty much the same," a sizable minority of students at all grade levels complained about inconsistent discipline and "double standards." In fact, other than complaints about the strictness of discipline generally, and the tightening up of rules after January 29, inconsistent discipline was the most common grievance cited by students interviewed by Commission staff.

Although virtually all school personnel interviewed reported that they themselves applied the same standards of conduct to all students, a relatively large number of teachers alleged that other teachers and administrators did not enforce disciplinary rules uniformly. Inconsistency in the application and enforcement of standards of student conduct, as with virtually all of the other discipline-related problems cited by school personnel, was reported to be a "major problem" at certain schools and "no problem at all" at others.

School personnel specified several sources of disciplinary inconsistency within given schools. A number cited the "vagueness" of their school's discipline code as the root of the problem. Inconsistency, according to others, was attributable to the policy of some school administrators of leaving "discipline up to the discretion of the individual teacher." Even in those schools where a principal or vice principal acted as the "chief disciplinarian," however, some teachers and students reported lack of uniformity both in the application of rules and sanctions employed for infractions of the rules.

Racial Discrimination In Disciplinary Methods

The vast majority of students and school personnel who referred to inconsistent discipline in interviews with Commission staff saw it as a racial matter. The students who complained about disciplinary inconsistency most often alleged that children of the other race were disciplined less often and less severely for similar misconduct. In addition to reporting that they were penalized for misconduct more harshly than their white classmates, a sizable number of black students said that white students received "more privileges" and were rewarded for good conduct more often than they. No white student expressed similar feelings about discrimination in rewards or positive sanctions.

The comments of school personnel helped to explain the apparent contradiction in the views of white and black students as to which group, if either, was the victim of discriminatory discipline. Black and white school personnel referred to a general "inattentiveness" to the conduct of black students on the part of many white teachers and administrators.

The white principal of one senior high school accused some of his teachers of "reprimanding white students for certain actions while ignoring the same actions by black students." A white instructor at the same senior high school agreed and stated his belief that "black students are allowed more latitude in terms of discipline." A black instructor on the same faculty lashed out at the "paternalism" of some of his white colleagues, who "say they are afraid of black students" and allow black students to cut class and "float the halls" while compelling white students to follow the rules. "There is a breakdown of order and standards," he stated, "and it is students, especially the black students, who are suffering." Finally, a white instructor at the same school, who viewed the "tendency on the part of some white faculty members to 'let the black kids go'" as "the most derogatory attitude possible," believed that it caused black students to misbehave. She noted that not only were students generally more prone to get into trouble when they were given unsupervised freedom, but also that many students often misbehaved in order to receive the adult attention they were being denied.

Although race-related inconsistency in student discipline was reported as a major problem at this senior high school, the same pattern of "inattentiveness" to the conduct of black students was noted at a number of other schools. Some of those who cited this problem attributed it to a lack of caring about black students. A black junior high school counselor said: "The white teachers here say they are afraid to say anything to black students. That is a copout. The plain and simple fact is that they don't care about these children."

Other school personnel attributed faculty tolerance of black student misconduct in their schools to "distorted expectations" based on "ignorance" and fallacious racial stereotypes. They noted in particular the tendency of some teachers and administrators to excuse the misbehavior of black students as a result of "their culture, homelife, or economic status." The problem, according to one black teacher, was that "many white teachers don't realize that black parents are no different from white parents; they're equally concerned with their children's behavior and, if anything, are more strict." A white junior high school teacher illustrated how faculty expectations of black student misconduct tended to be self-fulfilling.

> Sometimes the black kids make up tall tales and wild threats which are absolutely incredible. The problem is that the white kids and faculty believe every word and go back and spread this nonsense. The black kids know that they [the white students and faculty] think they're all the worst kids in the world so they just play on it.

Finally, a number of school personnel attributed tolerance of black student misbehavior to "pseudo-liberalism" on the part of some school personnel. A black elementary teacher stated:

> Some of the white teachers try to be "friends" with the

> black students by letting the children do whatever they want. As a result, the children lose all respect for the teachers. They don't want to be treated like babies, but like other students. The saying "you can't buy love" applies to teachers as much as parents.

The effects of inattentiveness to the conduct of black students, according to those who noted the problem, were "complex." White students generally complained that black students were favored and, accordingly, often escalated their misconduct. Some black students reacted by engaging in more misconduct. Some teachers were "embittered by the fact that black children could reject their friendship," and some were reported to have grown weary of "playing an artificial game." According to school personnel, there were sporadic "crackdowns" on the discipline of black students. One teacher noted that she had observed the "harshest treatment of black students" by some of the same people who "let them get away with murder" at the beginning of the semester. Another teacher concluded that the "on again, off again" brand of discipline practiced in her school produced nothing except "bitterness and confusion."

A number of administrators and teachers, both black and white, alleged that a minority of school personnel openly displayed racial prejudice in their treatment of students transferred under the desegregation plan. All of their allegations and the examples they provided concerned the treatment of black students. A white kindergarten teacher at a formerly white elementary school told Commission staff that it had been "tough for some teachers to accept black kids in their rooms due to their own prejudices" and that, as a result of negative racial attitudes, "many of the kids are not getting the kind of attention they should be receiving." A black senior high school teacher said that some of her white colleagues in conversations with one another used racial epithets in reference to the black students transferred to her school. A white physical education instructor who proclaimed that he believed in "separate but equal" told a Commission staff member that the black students transferred to his school "act like animals socially."

A white teacher with 16 years' experience in the Prince George's County school system shared the following observations about her junior high school, a school with a high incidence of disciplinary problems and black student suspensions:

> Personally, I feel that a lot of the faculty's resentment [over the court-ordered desegregation] was taken out on the kids bused in here. I've heard teachers calling kids "stupid" in front of the class, screaming at them, and some even making subtle remarks about the students' dress.
>
> As a result of this kind of treatment, we do have a discipline problem here. The black kids have gotten very defensive in this environment and justifiably so. You treat a child like he's nothing and then expect him to behave, good God!! The kids are just completely untrusting of anyone around them. They won't go to class, they walk the halls and talk back to teachers. The really sad thing is that these kids were not this way when they first arrived. I've watched the change in them.

A majority of the white teachers interviewed at the same junior high school spoke in negative terms about the behavior of most of the black students transferred in after January 29, using terms such as "chronic troublemakers" and "problem students." The school's principal generally concurred in the assessment of his teachers and noted by way of explanation that approximately one-third of the black students transferred in came from a community of low socioeconomic status and "had the ghetto experience." In sharp contrast, an interracial group of teachers at the black students' previous junior high school expressed "amazement" at the fact that so many of their former students were having trouble in their new school. All of the teachers concurred in the assessment of one that "the only possible explanation is the attitudes of the teachers and the school administration at [the receiving school.]"

Commission staff found similar disparities in the faculty characterization of black student conduct at a number of other sending and receiving schools. A white teacher at a formerly black elementary school, who asserted that "some of the kids we transferred have been messed up for life," said that "teachers in the black schools were generally there because of their personality and positive attitudes towards black children." "Some of the teachers in the white schools," she continued, "are very bigoted people." She concluded by saying:

> The problem is one of attitudes; kids know when they aren't wanted. The exchange schools are breaking the spirits of our former students, and I am afraid that it will get worse before it gets better. People who don't want to live together should not be allowed exposure to children.

A final complicating factor that was cited repeatedly by teachers and school officials was the absence of black counselors and administrators at many schools. While some school personnel stressed the "experience" and "sensitivity" that black administrators could bring to bear on the problem of school discipline and race relations, others emphasized the importance of black authority figures and "role models" for minority students. Some school personnel told Commission staff that the number of black counselors and administrators should be increased if for no other reason than to establish an "image of fairness." A white junior high school counselor told of a meeting he had held with a black student and his mother on the student's indefinite suspension from school:

> We had been in the meeting for quite a while when I suddenly noticed that everyone in the room except the student and his mother were white. The principal was white, the youngster's teacher was white, and I was white. It became clear to me that both the student and his mother felt they were at a disadvantage, and I couldn't blame them for feeling that way. Even though we were trying to be fair about the case, it just looked all wrong.

QUALITY OF EDUCATION

As was the case with the gloomy prophecies that desegregation would spawn widespread conflict and violence, the dire predictions that desegregation would lower the quality of education in county schools proved false. After the first full semester of desegregation, the consensus of school personnel was that neither the students nor the educational program had suffered deleterious effects from the transfer. Judgments ranged from a belief that students had "gained immeasurably" because of desegregation to a feeling that students had probably lost a few weeks of academic learning as a result of the transfer. A senior high school principal, who in December had publicly forecast that the mid-year transfer would cause serious educational harm, reported later that there was little disruption of the educational process at his school and that the administrative problems were "frankly not as great as had been expected."

The perception of school staff that the quality of education had not declined after desegregation was borne out by results of student academic achievement tests.[28] Released in October 1973, the results showed that in the spring of 1973 students scored higher on 7 of the 12 standardized tests administered to measure reading, language usage, and mathematics achievement than they did in the previous year. The press release announcing the test results noted that the increase in student achievement occurred "despite a continuing trend towards lower aptitude scores."[29] The superintendent commented:

> It is significant that student performance as measured by the standardized achievement tests climbed noticeably during the last school year when so many educators and students were subjected to stress and, in many instances, changes in their actual school locations.[30]

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28. PGC Public Schools, "Student Performance Climbs According to County-wide Test Scores," news release, Oct. 25, 1973.

29. Ibid., p. 1.

30. Ibid., p. 3.

While the overall quality of education remained stable following desegregation, the transfer of students, nevertheless, exposed and highlighted a number of educational problems.

One of the major problems exposed was the school system's lack of educational uniformity. One school board member said that the student transfer "disproved the old axiom that 'a school is a school is a school'" and made the community realize that public education in Prince George's County "was anything but standardized." In their interviews with Commission staff, school personnel repeatedly emphasized how educational variation among schools complicated desegregation. They stressed in particular the lack of uniformity in instructional programs, resource allocation, and student achievement levels.

Variations In Instructional Techniques

"Mindboggling" was the term one school official used to characterize the instructional variety of the Nation's 10th largest school system. Within the Prince George's County school district, individual teachers used a wide range of instructional techniques and a vast selection of texts and materials. Some teachers, for example, followed a program of individualized instruction, providing differentiated lessons to the needs of specific students, while others instructed their class *en masse.* Some primary teachers taught reading phonetically; others employed the word-recognition or sight-reading technique. Even when teachers used similar instructional methodologies, they often relied on texts that varied in content, organization, and style.

Instructional variation was not solely a function of the professional preference of individual teachers. Schools of the same grade level often differed from one another in significant respects. For example, some of the newer elementary facilities in the county were designed as "open-space" schools. These schools differed from the system's more numerous "traditional" elementary schools in appearance, operation, and underlying educational philosophy. In some schools, classes were taught by single teachers, while at others instruction was carried out by teaching teams.

Even the very substance of education differed among the county's public schools. Not only were similar courses variously titled in individual schools, but also course offerings, especially at the secondary level, differed between schools. Certain electives--including courses in advanced English, science and mathematics, typing, some foreign languages, and specialized shop subjects--were available at some schools and not others.

In the weeks immediately before and after implementation of the desegregation plan, school officials took steps to minimize some of these instructional variations and to smooth the academic transition of transferred students. Sending and receiving schools in many cases exchanged textbooks and instructional materials, and their staffs often shared information on their teaching techniques and the academic status of their pupils. In the secondary schools, administrators, counselors, and teachers clarified course content for transferred students and, whenever necessary and possible, established new electives so that transferred students could continue special courses they had been taking.

The consensus of teachers and administrators was that instructional variation by itself did not hamper the academic adjustment of students transferred under the desegregation plan. They reported that most children adapted quickly to the instructional techniques and materials used at their new school. Adjustment was said to be difficult for some of the children who transferred from an open-space to a traditional school, where less freedom of movement was permitted and where instruction was less often tailored to their interests. Even these students, however, were reported to have "settled into" their new schools after a few weeks.

However, according to school personnel, variations in instructional methods and materials and course offerings did contribute to parental apprehension and complaints. A number of parents were reported to have complained that their child's new instructor "didn't know how to teach" or was "repeating" material that their child "had already learned" when, in fact, the child's new teacher was merely using a different instructional method or a text that was organized differently. According to school personnel, the vast majority of these complaints was resolved when parents saw that their children were making academic progress. Other compaints were resolved through conferences at school. In some cases, children were transferred to another class within the same school where the method of instruction was deemed more suitable.

Differences In Allocation Of Resources

A second major area of educational variation concerned the allocation of resources among the schools. School personnel at a number of schools that before January 29 had majority-black enrollments reported that desegregation brought about a dramatic increase in the availability of materials and supplies. Most school personnel who were assigned to schools that were predominantly white before desegregation did not report a substantial change in this regard.

Many of those who detected a change in the availability of equipment and supplies at the time of desegregation saw it as an indication of past discrimination in school administration. A black teacher who had taught in both a predominantly black and a predominantly white junior high school before the student transfer described the disparity in resources provided to the two schools as "trying to compare an elephant and a rat." Teachers at the white school, she said, received the materials they needed, but teachers at the black school "often had to buy supplies with their own money or go without them."

While top school officials admitted that there may have been some past discrimination in the provision of resources to black and white schools, they maintained that all schools had been treated equally in recent years. Most of the personnel who referred to the problem of discrimination in equipment and supplies agreed that the problem had diminished over the years, but some maintained that it continued to the time of court-ordered desegregation. An interracial group of teachers at a secondary school that formerly was predominantly black told Commission staff: "Before the transfer we had trouble getting books and materials. After desegregation, the books and materials came pouring in. Even the food got better."

A white principal of an elementary school with a predominantly black pretransfer enrollment recounted to Commission staff earlier problems in obtaining necessary maintenance services and an important item of safety equipment for the school. Although the black students' parents joined with the principal in making the requests for necessary services, "year after year we were told by the central office that they couldn't do it because they didn't have the money." The administrator said that within weeks of the student transfer the maintenance people moved in and quickly performed the requested work. The principal cited the "political clout of well-to-do white parents" as a factor explaining the "sudden change." While the principal and the parents of students who remained at the school were "thrilled" that the long-requested work had finally been performed, the school head was sure that some of the black parents "resented the fact that the white parents immediately received the very same things they had been denied for so long."

Variations In Academic Achievement

Wide variation in the level of student academic achievement, according to many school staff members, was the most serious manifestation of the system's lack of educational uniformity. Teachers and administrators repeatedly expressed "shock" and "amazement" that standards of acceptable academic performance and levels of educational preparation could vary so dramatically among schools. Although one school official generally characterized teacher reports that other schools had lower academic standards as "self-serving puffing," a large number of students also attested to significant interschool disparities in academic standards.

Teachers and administrators at a number of schools reported that many, and in some instances most, of the students they received through the transfer were one or more grade levels behind children of the same age who remained at their schools. A few teachers attributed this disparity to the "exceptionally high" academic performance of the students who remained in their schools. Most teachers, however, characterized the academic performance of remaining students as either "average" or "slightly above average" and attributed the achievement gap to the low academic performance of incoming students. While school personnel reported performance disparities in virtually all academic areas, they were especially concerned with variations in reading-skill levels.

Many school personnel viewed variation in student academic achievement levels as the factor that most complicated desegregation and they detailed its negative effects on both students and the instructional program. Several teachers emphasized that disparities in the achievement levels of incoming and remaining students hampered the adjustment of transferred students. While most transferred students had "some anxiety about their new school," they said, students with skill deficiencies were "doubly burdened." They reported that the transfer was especially "traumatic" for students who came from a school with exceptionally low academic standards and who "justifiably believed that their own performance was satisfactory." According to teachers, these students reacted to the higher academic standards of their new school in several different ways: Some believed that they were being victimized by a special set of high standards directed against them; most intensified their efforts at meeting the standards of their new school; and a few "just gave up."

Most of the school personnel who raised the subject of varying academic standards stressed how it affected them or their instructional activities. A few teachers termed the increased academic diversity of their students "stimulating" and felt that, because they were forced to "deal with students as individuals rather than [as] a class," they had become more effective teachers. A considerably larger number of teachers, however, reported that they were "frustrated" by the increased academic diversity of their new classes. Some teachers told Commission staff that the variation of student achievement levels, especially in reading, was so great that it made "effective instruction impossible."

Individual schools made a number of adjustments to compensate for variations in the level of academic performance and preparation of their students. Some schools emphasized individualized instruction and either expanded or inaugurated staff-development activities focusing on educational measurement and diagnosis and prescriptive teaching. Instructional-resource personnel at a number of schools were called upon to establish remedial classes to help students overcome particular skill deficiencies. Some teachers and administrators set up student tutoring programs with parents or other students acting as the "instructor." Schools also used various forms of ability grouping to minimize the range of student achievement within a given class. At the elementary level, students were most often assigned to an all-day "comprehensive" class on the basis of their reading achievement, although a few elementary schools split the curriculum into subject-matter areas and grouped students accordingly. In the secondary schools, students were assigned to different levels of "core" courses, either on the basis of general academic achievement or specific subject-matter proficiency.

While school personnel noted that disparities in the level of academic achievement cut across racial lines, with some white and some black students "far above" and "far below" average, they, nevertheless, reported that black students disproportionately suffered from skill deficiencies. School staff offered conflicting explanations for the racial disparity in academic achievement levels, and, depending on which explanation they subscribed to, viewed the impact of desegregation on the achievement gap differently.

Some teachers and administrators attributed the lower achievement levels of black students to "cultural and socioeconomic differences between black and white families." While some of these staff people said they were "sympathetic" towards black families and cited "the centuries of racial discrimination against blacks in this country" as the cause of the problem, others were highly critical of what they perceived to be "the culture and lifestyle of blacks." Although these teachers generally believed that the school's impact on academic achievement was relatively limited, most indicated that desegregation would "in the long run" help to raise black student achievement. They based their long-range hopefulness, for the most part, on what several termed "the influence of peer groups."

A second group of school personnel rejected the cultural and socioeconomic explanations of the black-white student achievement gap. A number of teachers noted racial disparities in the academic achievement of students in their class, despite the fact that students of both races were of similar economic status and background. These school staff members attributed the achievement gap to the county's history of school segregation and the "inferior education provided by black schools." Many staff members cited the "unequal resources of black and white schools" as a major cause of the lower overall achievement level of black students. Others blamed the board of education and "uncaring principals" for "relaxing and lowering" the academic standards of schools that were previously majority black. These staff members were, for the most part, extremely optimistic that desegregation would eliminate racial disparities in student academic performance.

Finally, a third group of teachers took the position that the disparity in achievement levels of black and white students was not actually as great as often reported. They alleged that "staff attitudes and school practices" at formerly white facilities "magnified" whatever disparity did exist and, in some cases, created a racial achievement gap where there was none previously. Several teachers cited the "tendency of some teachers to stereotype all black children as dumb or deprived" as a major problem and asserted that the black students reacted to the "low expectations" of their teachers by "simply not putting out." One black senior high school student told Commission staff: "Let's put it this way: The teachers here thought they were getting a bunch of dummies. I could sense that the first day I arrived. They were speaking down to our level."

Some school personnel viewed the practice of ability grouping in their schools as an extension of the "teacher expectation" problem. One teacher noted that "during the changeover black students who had been in accelerated classes were put in low track classes 'until they had proven themselves.'" Teachers and administrators cited a number of other "discriminatory" practices they believed had a stultifying effect on black student achievement. One elementary school teacher said:

> White teachers are not as concerned for the welfare of black students as they are of white students. Black students are always sitting in the hallways while the class is learning. I have never seen a white student who was permitted to sit in the hall here.

Several teachers alleged that black students were not called upon in some classes to read, recite, or express their ideas. Others noted that some teachers did not display the work of black students on the class bulletin boards. Although a sizable number of school personnel believed that "staff attitudes and school practices" in newly desegregated schools either magnified or created racial disparities in academic performance, few advocated a return to segregated education. They stressed instead the need for realistic training in human relations and insisted that the central administration must control, and if necessary dismiss, teachers who are "unable or unwilling effectively to educate all children."

Other Educational Effects

In addition to exposing the lack of educational uniformity of the county school system, school personnel specified a number of other educational effects of the student desegregation transfer. The county's federally-financed educational programs were especially affected by the student transfer.

Desegregation necessitated a major adjustment in the county's Operation Moving Ahead (OMA) program, financed under Title I of the Elementary and Secondary Education Act to assist educationally disadvantaged children. Since the eligibility of a particular school for participation in this program is primarily determined by the family income of students enrolled, the transfer required recomputation of income statistics for all schools. As a result of the recomputation, many schools were found to be no longer eligible for the additional resources provided by the OMA program, and personnel and equipment were shifted to other schools whose need was demonstrably greater.[31]

While desegregation necessitated adjustments in the OMA program, it also helped the school district to qualify for a substantial amount of Federal financial aid under the Emergency School Aid Act (ESAA).

Impact On Extracurricular Activities

Another major area affected by desegregation was student extracurricular activities. Recognizing the importance of student activities in the total educational program, school officials promulgated specific policies before desegregation to ensure that all transferred students would be able to continue their extracurricular activities at their new schools.[32] The consensus of school personnel was that student participation in extracurricular activities had declined after desegregation. They offered several explanations.

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[31] PGC Public Schools, Citizens Information Center, "Federal Programs Flyer," December 1972, p. 1.

First, just as there was substantial variation in course offerings at the secondary school level, there was also a variation in the activities sponsored by many schools. Certain sports and "interest clubs" were established at some schools and not others. While school personnel usually attempted to accommodate the interests of their new students and often inaugurated new activities, they were not able to do so in all cases.

Second, although the central administration made "activity buses" available to individual schools upon demand, some local school administrators reported that the number was insufficient. Therefore, students who lived a considerable distance from school and lacked personal transportation tended to forego after-school activities and to ride home on the regularly scheduled buses.

Finally, school administrators said that some parents discouraged their children from participating in extracurricular activities because they did not want their children to "socialize" with children of another race or because they wanted their children "to be in their own neighborhood" after school ended for the day.

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[32] PGC Public Schools, Citizens Information Center, "Extracurricular Program and Student Organizations--General Guidelines," December 1972, pp. 1-3.

Future Character Of The Schools

While top school officials termed the educational effects of desegregation "generally beneficial," they stressed that it was too soon to measure the full impact of desegregation. The only thing they were certain about was that there would be further educational change. The nature and extent of change and the future character of the school system's educational program, they said, would ultimately be determined by the citizens of Prince George's County. While there was public unanimity that the children should receive the "best education possible," parents and taxpayers were severely divided on what actually constituted the "best education" and how to provide it.

Desegregation amplified the controversy about what constitutes quality education and sparked a vigorous debate on the proper function of the teacher and the appropriateness of the curriculum. This debate paralleled the community dispute over discipline, with some board members and citizens arguing that, just as new, strict measures were needed to deal with unruly students to end disruption in the classroom, so also did the educational program deserve a new and critical review. Lines appeared to be drawn between the professional school staff and its "progressive" supporters and a "traditionalist" group favoring a "return to the basics" and less "experimentation." This division of thought was most clearly reflected in the positions taken by candidates in the November 1973 election for the board of education.

Candidates supported by Citizens for Community Schools maintained that they were not running on the busing issue but rather in support of a change in direction for the schools--from what they saw as a liberal philosophy to a traditional one. The traditional philosophy, as described by those espousing it, included greater classroom regimentation, tougher disciplinary measures, less emphasis on human relations and "frill" courses, and more emphasis on the basic skills--reading, writing, and arithmetic.

The "progressives" described their philosophy as one that includes counseling rather than suspension for unacceptable behavior, a willingness to consider new teaching methods and curricula, and, in general, efforts to educate children by reason rather than by force. Some who generally shared this attitude commented that the CCS and its sympathizers had never been interested in such matters before, and they regarded CCS' program as a "witch hunt." One board member called the organization a "Johnny-come-lately" in expressing genuine interest about educational matters.

Others conceded that the flexibility of the educational program in Prince George's was probably stretched from time to time by some teachers beyond what was desirable. A review of books and teaching approaches used in courses such as drug and sex education was pushed by CCS, and some "progressives" said that such scrutiny could do no harm if it were kept within reason.

Some thought that much of the opposition to existing curriculum and teaching methods arose from public exhaustion with various sweeping changes in the county in recent years--the population explosion of the sixties, the swift construction of many new schools, the sweeping desegregation of a very large school district, and the broad efforts to overcome student apathy by innovation and change in the educational program. In 10 years the county and its schools had changed in many ways--for some, almost beyond recognition.

A board member focused on what she thought was the major doubt of Prince George's residents about their educational system. This, she thought, primarily concerned the "accountability" of the system to the people. The educational bureaucracy had become too remote, course titles were new and strange, and people did not really understand what was actually being taught in the schools.

In any case, several board members and central staff personnel agreed that regaining the confidence of the public in the educational system was crucial, and that this was a problem that transcended the matter of desegregating the schools. They noted that people were now talking about the role of teachers' unions and the decentralization of schools. Some felt public confidence would be restored if the board's attention were directed toward these concerns as well as to teaching and learning issues.

COMMUNITY REACTION

Parental Attitudes

Parental opposition to school desegregation was reported to be most intense and widespread at the time when the Federal district court handed down its desegregation order. The subsequent development of a specific transfer plan minimized public opposition to a certain degree, however, since many parents realized that their children would not be transferred or directly affected by the desegregation order. Exhaustion of the process of judicial review, according to school officials, also served to minimize and modulate public opposition. The Supreme Court's refusal to hear the school board's appeal in the Vaughns case, they said, emphasized the inevitability of school desegregation and fostered an attitude of resignation or acceptance on the part of many parents.

Nevertheless, there was substantial parental hostility towards desegregation immediately before implementation of the transfer plan. White parents whose children were to be transferred to a formerly black school manifested the strongest opposition. Resentment was reportedly so intense among some white parents that they refused to speak to neighbors whose children were not transferred. Although most of the white parents who were hostile to desegregation said they were opposed to "busing" and wanted their children to attend a "neighborhood school," school officials attributed parental opposition to other concerns.

Teachers and administrators told Commission staff that many white parents had lurid ideas about conditions at black schools and the quality of education offered there. Some parents were convinced that desegregation would spawn racial violence in the schools. School personnel reported that some parents were genuinely upset over what they viewed as their "loss of freedom" to send their children to the school "they chose," even though before desegregation student assignments had been determined by the school board and administration, leaving parents without choice. Finally, some white parents objected to desegregation because they did not want their children to attend school with black students.

Black parents generally supported the court's desegregation order, although they too expressed concern about its implementation. Many black parents resented the fact that they had to assume a disproportionate share of the burden of desegregation: a greater proportion of black children were to be transferred than white children and several black schools were to be closed under the plan. Some black parents, like some white parents, were anxious about the possibility of racial violence in newly desegregated schools. While some black parents were afraid that their children would be discriminated against by white students and faculty in their new schools, few black parents objected to having their children attend school with white students.

In their interviews with Commission staff, school officials often spoke of the "law-abiding spirit" of county parents. They emphasized the fact that the student transfer was not marred by adult violence, and they stressed the limited scale and duration of the CCS-sponsored school boycott. They also noted that desegregation did not result in a mass exodus from the public schools, as some people had predicted.

Although school officials were unable to tabulate the number of students who were withdrawn from the county system because of desegregation, their figures showed that 6,532 students left the Prince Georges' County public schools at the beginning of, or during, the second semester of the 1972-73 school term.[33] One board member pointed out that, because of the county's transient population, 2,000 to 3,000 students left the school system each semester. Most school officials estimated the number of students withdrawn because of desegregation at about 3,000. School officials expected some students to return to the county system in the 1973-74 school year.

While school personnel generally agreed that parental reaction to actual desegregation was not as negative as pretransfer activity and publicity had indicated it would be, they, nevertheless, noted how some negative parental attitudes complicated student adjustment and school operations, especially in the early weeks of the semester. Some teachers stressed how parental prejudices and racial hostility hampered good student relations. A number of parents were reported to have prohibited their children from participating in nonmandatory school activities because they did not want their children "getting too friendly" with students of another race. Faculty at one secondary school reported that white parents demanded that the dance unit in the physical education curriculum and the requirement that all students shower after PE class be dropped because of the presence of black students.

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[33] James G. Lupis, Jr., Pupil Accounting and School Boundaries Department, PGC Public Schools, memorandum to Sally Majak, Student Concerns assistant, PGC Public Schools, regarding Second Semester Transfers and Withdrawals, July 24,1973.

Teachers and administrators at many schools reported that they were "deluged" with parental complaints immediately after the transfer. They said that some of the complaints were justified but others were not. One principal told Commission staff that 70 to 80 parents of students transferred into his school "raised Cain over everything." He continued:

> They were here at the school daily complaining about one thing or another. Really, they were upset over the tranfer. Since they couldn't get back at the judge or get to the superintendent, they took their frustrations out on me and the teachers. We tried to be helpful, but I am afraid we spent so much time with these so-called concerned parents that we sometimes neglected the students.

School personnel at formerly black schools were especially beset by parental criticism. Black and white staff members at these formerly black facilities said that some parents of children transferred into their schools "constantly challenged" their professional ability and judgment. While they attributed the criticism in part to the parents' hostility to desegregation, they also noted that many of the parents had "grave misconceptions" of what a black school was really like. The principal of one formerly black school told Commission staff:

> The white parents had this mental block about their kids coming to a black school. We held two open houses before the transfer but still couldn't get through to them what this school was really like. We even let them come in while we were in session to see how we operate. They expected to see kids hanging from the rafters and pure bedlam. It took them a while, but the parents have finally come down to earth. We've had parents tell us that their kids have made tremendous progress here, much more than they did elsewhere. Most of the parents have come to like the school; but, of course, we still have a few diehards.

Most school personnel reported a decline in parental criticism and an increase in cooperation as the semester progressed. They attributed the change in parental attitudes to the absence of racial strife, together with the fact that most students liked their new schools and were making progress in them. One elementary school principal said that she had witnessed "a complete reversal of parental attitudes" during the semester. She said that a mother who had organized against the plan and circulated antibusing petitions came to the school at the end of the year and "confessed that she had been wrong. She apologized and said that her child was getting better grades and learning more than ever before."

Staff at a number of schools also detected what they considered to be an improvement in parents' racial attitudes. They noted in particular that black and white parents were "more honest and open" in their relations with one another and showed a growing willingness to work together to solve problems of mutual concern. Although several staff persons reported that some parents still harbored "deep racial fears and prejudices," most believed that parental attitudes had changed and would continue to change. As one teacher put it: "The kids have been real teachers. Because of their example, many parents have learned tolerance and understanding. Even the parents who are 'slow learners' are bound to catch on eventually.

Attitudes Of School Personnel

Only a handful of the school personnel interviewed in Prince George's County said they were opposed to school desegregation. One white male junior high school teacher said that he "believe[d] in separate but equal schools" for black and white children. A white elementary school teacher stated that she was against any form of school desegregation and felt that the "judges and politicians who support busing and desegregation ought to be put in jail."

In keeping with the past declarations of the Prince George's County Education Association, however, the vast majority of school personnel told Commission staff that they personally favored school desegregation. The intensity of their support ranged from a casual acceptance of "the law" to a conviction that desegregation was necessary for "the survival of our society." Several teachers "wished" that desegregation would not entail student transportation but, nevertheless, concluded that they were in favor of busing in the absence of other means of bringing about effective desegregation. Many viewed school desegregation as a "first step" and emphasized the need for parallel action in other areas, especially housing. The comments of a white, male, physical education instructor were typical of the responses of many staff members:

> If you want to have an integrated society, you have to have an integrated school system. I wouldn't necessarily go out and change the system to integrate it; but, if that's the word, I'm going to cooperate 100 percent. You've got to start somewhere, and it may as well be in the schools.

Citing past racial discrimination, a black, female, junior high school teacher declared that "desegregation is the only guarantee of equal educational opportunity." A white administrator said that he believed desegregation would be necessary even if black students could be guaranteed an education equal to that provided to white students in racially separate schools. "Since this is a multiracial society," he said, "it is a legitimate function of education to prepare children, black and white, for life and careers in a multiracial educational atmosphere."

In accordance with their positive attitudes towards school desegregation, most school personnel told Commission staff that they believed county schools should have been desegregated before

1973. Some declared that the district should have eliminated racial segregation "immediately" after the Supreme Court's 1954 decision. Others maintained that the school system should have desegregated one grade each year after 1954. Many teachers and administrators told Commission staff that desegregation would have been easier in the 1950's and 1960's than in 1973. They cited the growth of the county and the school district and the "hardening" and "polarization" of racial attitudes as factors that made desegregation progressively more difficult. Several staff members lamented the fact that county school desegregation had to be accomplished by court order and argued that an effective, voluntary plan for desegregation would probably have had greater public support.

A large majority of school personnel blamed the board of education for delaying desegregation in the county. "Footdragging" was the term used time and time again by both black and white teachers and administrators to describe the board's response to the legal requirement that segregated schools be eliminated. Many staff members said that the board "abdicated its public responsibility" in its handling of school desegregation in the county. One teacher noted that "the thousands of dollars spent on legal fees to fight desegregation should have been used to educate the children." Another teacher's comment that "the board's delaying tactics created turmoil and fear in the community" was echoed by many teachers and administrators.

School personnel were divided on the mid-year implementation of the desegregation plan. "It was a terrible time to do the changeover," one white junior high school counselor told Commission staff. "It uprooted the kids in the middle of their academic pursuits and made social adjustment more difficult," she observed. A white administrator viewed the timing of desegregation differently. He stated:

> The mid-year aspect of the plan was probably beneficial. Sure, there were problems transferring kids in the middle of the year, especially in the secondary schools where scheduling is more difficult and there are more extracurricular activities. But if it had been put off until next September, there would have been more anxiety, more uncertainty, and more problems.

Another administrator who had been "strongly opposed to the mid-year transfer" later termed it "the best thing that could have happened." He noted that teachers were in school at mid-year whereas they would not have been during the summer, and felt that "it was better to get it over with." Other teachers and administrators who believed that the mid-year transfer was ill-advised at the time of its implementation also expressed relief that desegregation was "behind them." Several pointed out that the second semester provided time for the students to settle into their new schools, and they looked forward to starting "a fresh school year" with everyone already adjusted.

In connection with their remarks on the mid-year implementation of the desegregation plan, many school personnel referred to the adequacy of staff preparation for the transfer. While some teachers and administrators told Commission staff that they were ready for the transfer, many others said they had not received adequate training. Some school staff claimed that the mid-year transfer precluded adequate preparation. Others viewed the time of desegregation as irrelevant and blamed the school board's "down-to-the-wire" opposition to desegregation for staff unpreparedness. While most teachers and principals praised the central administration for the support provided to local school staff, some claimed that the preparation could have been more comprehensive and thorough if the board of education had not maintained an inflexible posture of resistance to desegregation. One principal took the position that no amount of pretransfer training could have prepared his staff for desegregation. He told Commission staff that most of his teachers believed they were adequately prepared and consequently shunned certain pretransfer staff-development activities. "Only actual experience with desegregation showed them how much they have to learn," he concluded.

Some school personnel were more concerned with the nature and substance of staff preparation than the level of pretransfer activity. Black teachers and administrators were especially critical of some of the "human relations" activities conducted in their schools. One black administrator said that the "human relations activities" at his school "haven't done a thing.... A Dale Carnegie course would have been a hundred times more useful". A number of black staff members objected to what they saw as "preoccupation with black people and how we act" and felt that human relations training should focus on the interaction of all people.

One black elementary teacher at a school that had been predominantly white said that "there were too many special efforts to 'orient' blacks" at her school." "It was overdone," she continued, "and made some black teachers and students feel self-conscious." A black teacher who taught in a junior high school which before desegregation had a predominantly white enrollment, characterized predesegregation activities at her school as "ineffectual at best." She cited one activity as particularly "galling." In a faculty assembly, the principal asked her "what the black children would be like, how they would act, and what one should expect from them." She said she resented the thought that any group of children could be characterized singularly and told both the other faculty members and the principal that she thought the question indicated a tendency to gross stereotyping.

For most school personnel, the January 29 desegregation transfer entailed some kind of change that was not always pleasant. Some teachers were upset "about losing 'their' students" and were concerned "whether the kids would get what they needed at their new schools." Other teachers said they were "shell-shocked" by the experience of teaching children of a race or socioeconomic background foreign to their experience. Some personnel at schools with changed opening and closing times said they were "inconvenienced" by the new working hours. Many teachers and administrators felt they had "borne the brunt of desegregation," and not a few resented the "criticism and abuse" they had received from some parents. After a full semester of desegregation, most school presonnel said they were "exhausted."

Some teachers and administrators viewed the net effect of the changes they were forced to make as negative. A small number of teachers told Commission staff that they were going to retire or transfer to another school system. One white junior high school instructor said she "couldn't take another year like this last one." The principal of one formerly white elementary school reeled off a list of problems he encountered as his school was desegregated. "No one is pleased with the situation here this year," he stated, "and I feel that as the school's principal I have failed miserably." According to a white junior high school principal, "Desegregation has had a negative impact on many teachers because most of their experiences have been threatening in one way or another." He said that his faculty "still had to grow a great deal and admit their prejudices" but conceded that for some "growth may be impossible."

A white administrator in the central instructional offices concurred that desegregation had affected many teachers negatively, especially those who were "marginal" in terms of their racial attitudes or teaching ability. She said she heard more teachers saying "I've had it" than ever before. Such expressions of teacher frustration, she said, "reveal their basic attitudes toward teaching black students" and often reflect the fact that "some teachers don't have the requisite skills to teach." She concluded that, "although the staff worked hard and effectively to implement the transfer, most, unfortunately, viewed it with alarm and not as an opportunity or challenge."

Some school personnel, however, viewed desegregation as a positive and pleasant experience. One black vice principal stated:

> Actually, it was a beautiful change. We had 100 percent cooperation from teachers and students, and many parents were extremely helpful. The whole thing was very smooth. There were, of course, some parents who chose not to send their kids on the first day, but that was expected. The staff here was prepared for anything, and I just concerned myself with making sure that everyone was happy and that this wasn't a traumatic experience for the kids.

Other teachers and administrators emphasized how desegregation contributed to their own professional development. Several teachers said that it had made them more aware of how they were perceived by the children and consequently would make them more effective instructors. Several teachers reported that the process of helping children adjust to new schools in the middle of the year had forced them to be more concerned "with children's feelings" and to be more alert to their "individuality."

A number of school staff members stressed how the publicity, involvement of parents, interaction between faculties of sending and receiving schools, and temporary assignment of central administrative personnel to individual schools that accompanied desegregation helped to motivate them. One teacher said that "desegregation was better than a bottle of Geritol; I've never worked as hard or enjoyed working more." The white principal of a formerly black elementary school told Commission staff:

> Looking back on it now, I can honestly say that desegregation was a marvelous experience. My teachers were really excited and it pulled the staff together. Teachers, many for the first time, realized that other teachers had the same kinds of problems. I think the transfer really broke the barriers that separated educational personnel in this system. I don't believe that we have done everything at this school we can do, but desegregation caused all of us to step back and look at our own performance and we will continue to do this no matter what takes place.

A white staff member in a central administration office declared that desegregation had made the last year the most "exciting" she had experienced during her 20 years in education. She believed that many other school personnel had also been "turned on" by desegregation and hoped that they would not decrease their efforts now that the year was over. She viewed the student transfer as only the beginning of an important educational process and emphasized the work still to be performed. The problem, she said, is that "in the coming year we are going to have to do the hard, time-consuming, day-in and day-out kind of job we did this year--only without the drama and the excitement."

Student Attitudes

As a group, Prince George's County students viewed desegregation somewhat differently from their elders. Not only was their collective assessment of school desegregation more positive than that of many parents and school personnel, but it was also more personal. In their interviews with Commission staff, students made fewer sweeping generalizations than adults. Students usually spoke of their own experiences, describing them in a casual, matter-of-fact way. Moreover, students, especially the older ones, seemed to be more conscious of their own racial attitudes than adults, and they frequently emphasized how their attitudes and ideas had changed as a result of their experiences.

Commission staff interviews and observations tended to confirm the observation of one primary school teacher that "the younger children are not concerned with race." The report of one principal that "after 2 weeks, it was as if the kids had always been here together, walking around with arms around each other" was typical of the comments of most elementary school personnel. Teachers stated that most elementary students selected friends on a nonracial basis and reported that some students, both black and white, "dropped" friends of their own race in favor of "new" friends they had made as a result of desegregation.

Many elementary students told Commission staff that, whereas before desegregation they did not have any friends of a different race, they did now. Just as the younger children established friendships on a nonracial basis, they also expressed their antagonisms towards other students without regard to race. A number of students said that they had been in a fight or scuffle with another student during the semester. Of those children who said that their "opponent" was of another race, only a few thought that "race" was actually involved.

A few older elementary students, primarily fifth and sixth graders, reported that they had some anxiety about desegregation before or immediately after the transfer. A black sixth grader who was transferred under the desegregation plan told Commission staff: "At first, I had some fear of attending a school where I would be in a minority, but this has been a great experience. White and black students here are just like brothers and sisters." Several other older elementary students said that there was some racial "name-calling" at their schools immediately after the transfer, but all reported that it died down after a couple of weeks.

While few elementary students held strong opinions on desegregation, *per se*, most of the elementary students interviewed said that they were happy in their new schools or liked most of their new classmates. Even those students who reported minor racial friction immediately after the transfer generally expressed satisfaction with their school situation at the end of the semester.

A small minority of the secondary students interviewed in Prince George's County said they were opposed to desegregation. Along with their opposition to desegregation, these students usually expressed serious dissatisfaction with a variety of other matters pertaining to school. The secondary students who expressed unhappiness or resentment over desegregation were not evenly distributed throughout the system but were largely concentrated in a few of the county's secondary schools.

As previously noted, two formerly white junior high schools experienced incidents of overt racial conflict among students during the first semester of desegregation. Commission staff found a larger proportion of students at one of these two junior high schools to be opposed to desegregation than at any other school they visited in the county. The statement of two female eighth graders dramatized the resentment and hostility of some, although not a majority, of the students in this particular school.

Both girls said that students of the other race were favored by the teachers and administrators and were given greater freedom or more privileges. Both said they had been in fights with students of the other race and that students of the other race started the fights. The black student declared that the school "is prejudiced in almost every way" and that "every last white child in the school is prejudiced." The white student said her parents feel that "no one in the school is learning anymore" and said her "grades dropped from B's and C's to D's and E's." She said, "The black students don't want to learn; they only want to make trouble." The white student said she wished "the blacks hadn't come to [the school]" and the black student said she would rather attend her previous school because she felt that she was not "wanted at [the new school]."

While only a few of the students interviewed expressed the kind of racial hostility and resentment towards desegregation shown in the statements of these two eighth grade girls, a number of other secondary school students indicated that they viewed desegregation as irrelevant to their school experience. Of the students who felt this way, most were in the upper grades of senior high school. Most often they reported that the transfer had had no effect on their activities, attitudes, or associations with other students. This attitude was typified by the comments of a black 11th grader who was transferred to a formerly white senior high school under the desegregation plan. He stated:

> It's all right to expect elementary kids to mesh and get together, but at this age, people's minds are pretty well made up about which way they are going. Here, I stick to myself, mind my own business, and try to make the best of the situation.

School personnel, particularly in certain senior high schools, also commented on the limited influence desegregation had on certain students. They emphasized the tendency of some students, both black and white, to engage in self-segregation and to avoid contact with students of another race. They cited segregated seating patterns in cafeterias, predominantly one-race activity clubs, and racial separation at sporting events and school dances. Most of the school personnel commenting on students' self-imposed segregation did not attribute it to racial animosity. Rather, they believed that it resulted from the age of the students, the fact that many grew up in racially distinct neighborhoods, and the fact that many had always attended racially isolated schools.

In contrast to those who said they opposed desegregation or viewed it as irrelevant to their school experience, a majority of the secondary students interviewed reported that they had been personally affected in a positive way by desegregation. Many referred to the fact that for the first time in their lives they had close friends of another race. Other students, particularly black students, felt that as a result of the transfer they were receiving better academic instruction. But, more than anything else, students, black and white, emphasized how their attitudes and ideas about people and race had changed. They consistently referred to what they had "learned from desegregation." Even those secondary students who referred to the anxieties they had experienced in connection with the transfer said that because of desegregation they would be more able "to cope with life."

A white sophomore told Commission staff that she was "scared to death" when she learned that black students were to be transferred into her school. "My parents are very prejudiced," she explained. "I'm not afraid anymore; now I know there are some good, some bad, high class and low class blacks just like everyone else." A white 10th grader who said she "used to be prejudiced" when she attended her formerly white school found that the black students at her new school were "friendlier than whites." She said she was "happier and more comfortable" at her new school than she was at her previous school and, therefore, could "study better."

A black senior said he had changed his "ideas about whites" since white students had been transferred into his formerly black school. He used to think that "whites had more money and felt superior to blacks" but changed his mind after he "got to know the white students." A black 11th grader who stated she was "kind of uncomfortable" in two or three classes in which she was the only black student in her new school said that white students ask her a lot of questions about blacks. She said, "Because they don't know many black students, they are afraid they will offend someone if they ask questions; they don't know who to ask." She said she let white students know that she would be glad to answer their questions, and as a result "we have learned a lot about each other and have become good friends." Several students said they had learned more about people from desegregation than from all the social studies courses they had taken, and a number of teachers agreed that that probably was the case.

While many students believed that there would be difficulties in the years ahead, most were hopeful that desegregation would be a success. At the same time, many students emphasized their desire that adults not interfere with desegregation as they had in the past. As one group of students put it: "We are the ones who have to go to school. We are the ones who have to learn to live together. If everyone will just leave us alone, we can work it out."

CONCLUSION

The issue of school desegregation simmered in Prince George's County for nearly 18 years after Brown before suit finally was initiated in March 1972. At that time, citizens of Prince George's County believed that no desegregation order would be imposed by the Federal courts, or, certainly, no order necessitating transportation would be required or implemented. Despite these views, a court order was rendered and implemented.

Although the court-ordered desegregation plan required busing for only 13,000 more students than in the previous year, the court's decision was greeted with vehement and intense outcries. Outraged citizens charged the court with unreasonable and arbitrary action that allowed no time for adjustment.

Briefly, in reviewing the years, it becomes clear that, far from being inflexible, the court simply had ended the dilatory tactics and the various forms of obstruction that had characterized county response to the original Brown decision,[1] its implementing Brown II order,[2] the Civil Rights Act of 1964,[3] and the many subsequent judicial affirmations of Brown and the act.

The documentation concerning the desegregation process in Prince George's County speaks eloquently to the charges of

[1] 347 U.S. 483 (1954).

[2] 349 U.S. 294 (1955).

[3] 42 U.S.C. &2000d (1970).

bureaucratic and judicial excesses heard in Prince George's County and echoed from Boston to Bakersfield. The actions of Federal, State, and county governments had the effect of subverting constitutional rights day in and day out for almost 20 years, rendering unpersuasive any allegation that our governing institutions are stern and rigid and that actions taken under them are capricious.

During the period 1954-71, the Prince George's County Board of Education used its power and authority to maintain and expand the segregated system of education banned by the Supreme Court in Brown. The county built new all-black schools, new all-white schools, and constructed numerous additions to one-race schools. Under the so-called "freedom of choice" policy, which remained in effect until the mid-1960's, black and white children were actually assigned or steered to schools on the basis of race. Following the adoption in the 1965-66 school year of an attendance system based on geographic zones, the county's growing student population attended highly segregated schools--schools which were segregated largely because of attendance zone and siting practices of school officials. The neighborhood school concept was not the controlling factor for school attendance in either of these time frames. Faculty and staff segregation was a fact of life for the greater part of these years. Largely segregated transportation remained to feed or be fed by the system's underlying duality. When school overcrowding existed, efforts to correct such imbalances were avoided. Desegregation could have been supported by reapportioning students from overutilized to underutilized schools.

The Prince George's school board valiantly insists that the actions it took for nearly 20 years were pursued in an attempt to secure "rights" to which the system was entitled. A careful review of the board's actions and inactions presents a picture blemished by dilatory tactics, 'footdragging,' evasions, and missed opportunities surrounding efforts by the courts and Congress to secure, for all citizens, the constitutional and statutory rights which most majority group citizens have enjoyed. Inescapably, Prince George's County indicts itself as its activities provide a panoply of state action perpetuating an unconstitutional pattern of segregation. Race played such a definitive role in decisionmaking in the county that children of all races were losers in terms of the social milieu in which they were nurtured and in terms of the uneconomic dollar expenditures necessitated when decisionmaking was largely colored by race.

In placing responsibility where it rightfully lies, it is not the intention of the Commission to ignore other State and Federal governmental entities which, either by action or inaction, undergirded the unresponsiveness of the school system. The Maryland State Board of Education, in the years following Brown, often refused to rule or delayed rulings or ruled on issues clearly collateral to matters of central concern. Moreover, upon enactment of the Civil Rights Act of 1964, the State board breached its responsibility for assuring implementation of comprehensive desegregation by the State's school systems. Instead of providing positive leadership at the State level in this sensitive area, the State board allowed a symbiotic relationship to exist between the county school system and itself.

Perhaps most distressing is the role of the Office for Civil Rights of the Department of Health, Education, and Welfare. The pages above are replete with the failures of the Department and its civil rights office to enforce the law and provide credibility for the Federal Government's commitment to the rights of all.

The interactions of the State board, the local school board, and the Department of Health, Education, and Welfare teach us that only through staunch and unswerving support by the arms of government at every level can constitutional rights be upheld. That support must include the ability and willingness to apply penalties or sanctions to achieve authorized and required goals. Such a conclusion becomes inescapable in a review of the years covering resistance--intellectual, educational, administrative--in Prince George's County and is generalizable based on experiences of other school systems examined and reported on by the Commission.

Much of the confusion and controversy occasioned by the December 1973 Federal court desegregation order was actually caused by the nonfeasance of government officials who, for more than a decade and a half, failed to protect the constitutional rights of children in the county. If the agents of county, State, and Federal governments had acted in accordance with their solemn oath of office, desegregation could have occurred without resort to the Federal courts.

Although the role played by the State board of education, the county board of education, and the Department of Health, Education, and Welfare is dismaying, there are, nonetheless, ample indications that we, as a people, should not lose faith that this Nation will succeed in making its underlying moral and constitutional principles a living force. The bleak mood generated by consideration of the activities of those agencies can be cast aside when we consider the strengths of the community itself as evidenced by the actions of countless individuals and diverse groups as they responded to the overall community's need.

Parents volunteered to serve the schools as observers, as monitors on buses, as greeters of new students, as telephone operators at rumor control centers, and in innumerable ways that denoted their dedication to their children and to the law.

Religious leaders served as bus monitors, as trained observers, and, through their presence, highlighted the moral fiber upon which the people of our Nation rely.

Diverse community organizations provided assistance to the school system in a variety of capacities. The school system had only to ask, and often did not even need to ask, in order to be assisted.

Much credit goes to capable busdrivers whose "business-as-usual" demeanor made riding a bus a routine experience. When busdrivers went onto back roads long before the opening of school, watching the traffic patterns to determine where trouble might occur, thereafter communicating their findings to other busdrivers, it became apparent that citizens generally in Prince George's County had the will to make desegregation work.

Many school system administrators, supervisors, and teachers demonstrated the high professionalism of their calling as they worked untold hours of overtime planning for desegregation, desegregation that took place in a manner they, as educators, could support and applaud. And, within the schools, the secretaries, the custodians, and the cafeteria workers all did their best to make schools a good place to be for all children.

In short, the resources of the people themselves were the triumph that Prince George's County experienced.

The process of desegregation in Prince George's County presents manifold lessons for the Nation and its schools, lessons which will be considered in developing conclusions following the overall appraisal of school desegregation presently underway at the Commission.

Appendix A

ADMINISTRATIVE PLAN, PRINCE GEORGE'S COUNTY, JULY 12, 1955

The recommendations made by the superintendent and approved by the Prince George's County Board of Education at the meeting of July 12, 1955, as reported in the minutes of the meeting, were:

Part A.

1. All public elementary and secondary schools to be listed in school directories and similar publications without reference to race.

   (a) All schools to be renumbered according to:

      (1) Number of schools within election district--
      Example: Bladensburg Colored Elementary
      formerly numbered 1-2-2
      would become 12-1-2
      (2) Type of school
      (Elementary - Junior High - Senior High)

      (3) Election district

   (b) Certain schools to be renamed to avoid confusion and reference to race.

      (1) Bladensburg Colored--to be renamed Varnum Street School.

      (2) Laurel Colored--to be renamed Laurel Grove School.

2. Financial Accounting (cost per school unit or per pupil cost) and Pupil Accounting (Attendance Statistics) to be processed without reference to race.

3. Professional Meetings of Principals and Teachers to be conducted on a non-segregated basis. These meetings will include:

   (a) Orientation Meeting for New Teachers.

(b) County-wide Curriculum Workshop.

(c) Professional Meetings of Principals called by Superintendent or with his approval.

(d) County-wide Opening Session of all personnel.

(e) Monthly professional meetings of teachers and principals or meetings held on a departmental or area basis.

(f) Child-Study Program Meetings.

(g) Enrollment in Extension Courses offered by area colleges or universities and held in public school buildings providing the applicant meets all entrance requirements for course.

4. Administrative and supervisory personnel to be assigned office space in the Board Headquarters without reference to race.

a. Implication:

(1) Mr. Brooks and Mr. Hall to be assigned desk space in the supervisory area of Board Building.

(2) Miss Caljean Jefferson, Clerk to Mr. Brooks and Mr. Hall to be offered employment at office.

5. Supervisory Responsibilities of Staff to be restudied by Superintendent and Director of Instruction and new assignments made without reference to race.

6. That a committee of staff members consisting of Miss Rowannetta S. Allen, Mr. Doswell E. Brooks, Mr. John Heim, Miss Marian E. Lobdell and Mr. George H. Robinson be appointed to act in an advisory capacity to the Board of Education and the Superintendent of Schools on any and all problems likely to arise when steps are made looking to compliance with the non-segregation ruling. That the Superintendent of Schools be authorized to act as the sole spokesman for any action recommended by the committee and adopted by the Board.

7. That the Fact-Finding Committee appointed by the Board to study the problems involved in moving from a segregated system to a non-segregated system be invited to continue their study and services during the period of transition.

8. That the main professional concern of school administrators and principals in the 1955-56 term be devoted to the problem of inter-group education of teachers who need orientation for the changes facing the school system.

9. That individual school faculties be encouraged to identify the problems of pupils in the transition period and to seek effective ways of dealing with same within their own school situation.

Part B.

1. That the Board of Education officially notify the U.S. Office of Education of its intention to operate the Andrews Air Force Base Elementary School in terms of the Supreme Court decree and the ruling of the Attorney General of Maryland.

Part C.

1. That the Board of Education notify the Board of Education of Montgomery County that it will assume full responsibility for the education of Negro children who formerly attended the Takoma Park Elementary School--according to whatever plan is adopted by the local Board for the operation of schools in 1955-56.

Part D.

1. That the Board of Education devote one or more meetings to a study and consideration of any proposal or plan for recommendations submitted to it by the "Fact-Finding" Committee before it adopts its own plan for a non-discriminatory system of schools.

Appendix B

SUMMARY OF WHAT NEEDS TO BE DONE--
PRINCE GEORGE'S COUNTY PUBLIC SCHOOLS

STUDENTS

County-wide student conference Dec. 14, 15, 16

Peer-sharing Sessions within schools

Sessions within schools

Peer-sharing Sessions between schools

Orientation Program

Week of student peer-sharing, January 15

TEACHERS

Group Process

Training of Social Studies Teachers and Student Government Sponsors

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Week-long in-service for all teachers January 15

Continuous informal survey of student concerns

Department meetings

Read materials related to race relations problems

Weekly Faculty meetings

Faculty Advisory Councils serve on school P.I.R.R. Team

ADMINISTRATORS

Planning Conference with Pupil Services
Team, Faculty Advisory Council,
Student and Community leadership - P.I.R.R. Team

Weekly Faculty meetings

Cluster Human Relations Workshop

Names of students to Director of Pupil Services

Information to receiving schools

Notification of students reassigned

Revise school policies and procedures

Inventory of staffing needs

Orientation for students and parents

Revise program offerings in accordance with available facilities

----

Plan for temporary assignment of resource personnel

Inventory materials and equipment for classes

Review inventories and arrange for change of materials

Identify parent and community volunteers to help in schools

Examination and tabulation of schedules and 1st Qtr reports. Adjustment made to accommodate new students

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Planning meetings of faculty and department heads to meet above needs

----

Faculty workshops for scheduling and placing students

Develop school policies within framework of county policy

Preparation and distribution of printed material on course offerings

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Inventory need for activity buses

Identify special transporation needs and reassign personnel and equipment

----

Inventory free lunch pupils and forward to receiving principal

----

PUPIL SERVICES PERSONNEL

Group Counseling Training Seminars

Group Counseling of students

Cluster Human Relations Workshops

Continuous informal survey of student concerns

Staff meetings

Information exchange about reassigned student needs

Delivery of cumulative Record Folders

Pupil Services Team caucuses

Inventory of reassigned pupils with special needs

Revise policies and procedures

Make available to students publications on policies and procedures

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Review and revise plan for utilization of Crisis Intervention Teams

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Guidance Department Chairman Meetings

Department meetings

Develop county policies for program adjustments, credits, scheduling, etc.

Individual and group conferences to resolve conflicts

Inventory free lunch pupils and forward to receiving principal

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Reassign personnel as required

Pupil Services Team serve on school PIRR Team

Pupil Services Center staff and cluster meetings and caucuses

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INSTRUCTIONAL SUPERVISORS

December Workshop

Continued involvement in Cluster Human Relations Workshops

Develop pool of resources

Provide literature on racial differences

Staff meetings

Resource information on schools and community to schools

Revise policies and procedures

Inventory materials, equipment and facilities for classes

Temporary assignment of open-space teachers to self-contained classroom schools to orient reassigned students

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Develop curriculum on rights and responsibilities of citizenship

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Distribute Pupil Item Analysis to every teacher

Leadership in planning and conducting Teacher Workshop January 15

Develop survey on how teachers feel about desegregation for the January 15 Workshop

CLASSIFIED PERSONNEL

Involve classified in school weekly staff meetings

Week of In-Service January 15

Committee on P.I.R.R.

Identify special needs

Reassign personnel as required

SECURITY OFFICERS

Review and revise plan for security forces

Survey black and white students on attitudes toward Security personnel

----

Staff peer-sharing on race relations.

Participate in Human Relations Workshops now being held

PROFESSIONAL PERSONNEL

Staff meetings

Revise policies and procedures

Report on efforts directed toward minority recruiting and selection

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More visits to schools by Personnel Assistants

Frequent staff meetings

Survey to determine racial composition by subject field

Expand recruitment advertising in minority publications

Expand visits to minority colleges

Meet with community groups to clarify policies and procedures

----

More black student teachers

New Teacher Education Center in Model Cities area

SUPERINTENDENT & EXEC COUNCIL

Weekly briefing of all school personnel

Rumor Control Center and Hotline

Inform principals of boundary plan

Approve policies and procedures

Clarification of authority on policies and procedures

Review and approve staffing

Review and revise plan for security forces

Secure funding for instructional material and facilities, staffing, transportation, consultation services

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Superintendent's statement on race relations and desegregation

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Small group peer-sharing sessions on race relations for Heads of Departments and Divisions

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Weekly repoort on Status of Desegregation

Weekend Retreat

Position papers on priorities, programs, and strategies for desegregation

BOARD OF EDUCATION

Seminars and retreat, and peer-sharing sessions

Rap Sessions with students

Small group meetings with staff, community and students

Weekend Retreat

Public Statement from Board President

PARENTS AND COMMUNITY

Orientation Program

Parent action teams

Open House

Newsletter

Community Advisory Councils

Day-long Parent Workshop